

Law Enforcement News

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Give us your tired, your poor... Fla. cops may get immigration enforcement powers

Arrests based solely on immigration violations have long been the exclusive province of the U.S. Immigration and Naturalization Service and the Border Patrol, but Florida officials expect that to change in coming months under an agreement with the Justice Department that will grant immigration enforcement authority to a select group of law enforcement officers in the state.

The partnership between Florida and the federal government would be the first of its kind in the nation. According to a plan submitted by state officials, 35 municipal officers, sheriff's deputies and Florida Department of Law Enforcement agents would be assigned in teams of five to Florida's seven regional anti-terrorism task forces, where they would be authorized to stop, question and detain illegal aliens.

The lawmen would be trained for four to eight weeks in immigration law by the INS at the Federal Law Enforcement Training Center in Georgia. While the INS would still be responsible for routine cases of immigration law violations, state officials said they hoped the relationship between local and federal agents would yield better information sharing and more arrests.

"It's not intended for run-of-the-mill arrests," Steve Lauer, the state's chief of domestic security, told *The St. Petersburg Times*.

With at least 12 of the 19 hijackers who flew jets into the World Trade Center and Pentagon on Sept. 11 having lived in Florida briefly on temporary visas, it comes as little surprise that state officials have taken the initiative. At least two of the terrorists were in violation of visa conditions.

The move, said officials, is part of Gov. Jeb Bush's multimillion-dollar plan to guard against terrorist attacks.

"It's a monumental accomplishment," Tim Moore, the FDLE's commissioner, told state legislators. "It's a start. Ideally, we would like even more

authority."

Empowering local police to arrest illegal immigrants is nothing new. Congress authorized the training of law enforcement by the INS in 1996 when it overhauled immigration laws, with the idea being that police would eventually supplement INS enforcement efforts. But such efforts by state lawmakers and immigration-control groups were met with strong resistance by immigrant advocacy groups and employers. In some cities, such as New York, local ordinances prohibited police from turning over illegal aliens to the INS unless they were suspected of separate criminal activity.

Indeed, Hispanic activists immediately criticized the Florida initiative. Jose Pertierra, a Washington, D.C.-based immigration attorney, predicted racial profiling and an inability by law enforcement to learn the complexities of immigration law.

Judge has change of heart, OK's fingerprint evidence

Law enforcement officials can once again breathe easily, after a federal judge reversed his earlier ruling that expert witnesses may not testify that a fingerprint found at a crime scene is that of a particular person.

The initial ruling in January by Judge Louis H. Pollak of the Federal District Court in Philadelphia shook law enforcement officials, who have long relied on fingerprints as virtually unsailable forensic evidence. Pollak's ruling, which was part of a pretrial proceeding in a capital murder case, held that fingerprints used by prosecutors to link two defendants to four drug-related murders committed in 1998 did not meet the standards for scientific testimony set by a 1993 U.S. Supreme Court decision. Fingerprint analysis,

"Granting Florida police such authority creates legal problems," he told *The Washington Times*. "Next to tax law, immigration law is the most codified and complex and requires extensive training to understand. Training for non-INS police would not be sufficient, there will be selective enforcement—a focus on 'foreign-looking people,' whatever that means."

Spokespersons for the governors in immigrant-heavy states like New York, New Jersey, Illinois and Michigan said that plans similar to Florida's were not being actively considered at this time.

There are also concerns about the impact the agreement will have on relationships between police and local residents, which have carefully nurtured over the years under community-policing programs.

"I think that's a big issue," said Steve Rothlein, chief of criminal investigations for the Miami-Dade Police

Department. The agency relies on that trust to gather information, he told *Law Enforcement News*, and it could dissipate if residents begin viewing local police as immigration officers.

"When [immigrants] see illegal behavior, they trust us, they're willing to call us, they're willing to tell us things," he said. "They're not afraid that if we come to the door we're going to be yanking their family members off for illegal immigration status, or administrative violations—things they get very nervous about with INS officers."

North Miami Beach Police Chief Bill Berger, the president of the International Association of Chiefs of Police, believes that resistance by local police to performing immigration enforcement has changed. "Now we've got a situation where people feel fearful that we may have people in the country who might want to hurt us or

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Alert by drug-sniffing dog isn't enough to warrant pat-down of passengers

Drivers may be frisked and arrested if a drug-sniffing dog detects the odor of narcotics in a vehicle, but police must keep their hands off passengers, according to a ruling last month by a three-judge panel of Maryland's Court of Special Appeals.

The unanimous decision will be appealed to the state supreme court, said Gary E. Bair, chief of criminal appeals for the attorney general's office. "What the court seems to be saying is although the dog alerted to the car... the passengers in the car were of a different status than the driver and therefore the search of passenger was illegal," he told *Law Enforcement News*. "It's our position that the dog alert provided probable cause to search the car, or any of the

passengers or drivers in the car."

Should the decision be allowed to stand, said Bair, police would not be able to touch a passenger holding drugs for others in the car unless another basis existed for the search.

(The U.S. Supreme Court had previously ruled, in its 1999 decision in *Wyoming v. Houghton*, that police officers who have probable cause to search a vehicle for illicit drugs may search every object in that vehicle, including the property of passengers who are not suspected of illegal activity. However, items that are physically on the person of a passenger, such as objects in the pockets, are not subject to search under such conditions.)

The Maryland decision, handed

down on Feb. 27, stems from a case involving Earmon Alvin Wallace, 34, who was convicted in 2000 of possession of cocaine with intent to distribute after a car in which he was traveling with four other passengers ran a red light. Police in Annapolis, where the stop took place, ordered everyone out of the car after a drug-sniffing dog, Bosco, alerted to the presence of narcotics. In patting down Wallace, police found a "hard object" in his pants which was not a weapon, but turned out to be a plastic bag filled with several pieces of cocaine.

In a pretrial motion, assistant public defender William Davis argued that if the search were deemed legal, police would then be allowed to frisk every

rider on public transportation if a police dog detected the smell of drugs.

"All of us travel with other people in cars they own or control. It's of concern that we would be searched and perhaps arrested as a consequence of traveling with someone else," said Bradford C. Peabody, the assistant public defender who argued the case on appeal.

In reversing Wallace's conviction in Anne Arundel County Circuit Court, appellate Judge James A. Kenney III wrote that the dog's alert permitted police to search the vehicle, but "without anything more particular to link any one passenger in the car, including Wallace, to the drugs sniffed by Bosco, the

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Pollak himself could pass the FBI tests after about a month of training.

The judge ultimately found that while not scientifically proven in the strictest sense, the FBI's procedures were similar to those used by Scotland Yard, and said he would allow an FBI expert to testify that fingerprints found at the scene matched those of a suspect. The Supreme Court's standard on what constitutes expert testimony is more flexible than he had first thought, Pollak said.

"I have concluded," Judge Pollak wrote, "that arrangements which, subject to careful trial court oversight, are felt to be sufficiently reliable in England, ought likewise to be found sufficiently reliable in the federal courts of the United States, subject to similar measures of trial court oversight."

"In short," said Pollak, "I have changed my mind."

Bruce L. Castor Jr., the district attorney of Montgomery County, Pa., said he had been confident that Pollak would reverse his opinion. While the Jan. 7 decision would not have been binding on state courts, any ruling by Pollak, given his reputation as an intellectual, would have carried weight, said Castor.

"The immediate reaction I had was that the government might have glossed over the foundations necessary to defeat the defense motion to exclude fingerprint evidence as unreliable because all of us are so ingrained with expert opinion on fingerprints being acceptable," Castor told *Law Enforcement News*. "I can see myself sort of glossing over any motion filed here as 'that's ridiculous' and not paying any attention to it and therefore not presenting the necessary foundation to challenge

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Around the Nation

Northeast

CONNECTICUT — Money for the DARE program and for a school-based police officer, totaling about \$50,000, has been eliminated from the Chittou town government's budget. Finance board chairman Peter Neff said that while the DARE and school resource officer programs are very effective, the town "cannot afford to do everything for everyone."

Bryant Browne was sentenced March 12 to 32 years in prison for charges related to the Jan. 28, 2000, police chase that resulted in the death of Middletown police Sgt. George Dingwall. Browne had been acquitted of murder and manslaughter charges but was convicted on 11 other counts ranging from misconduct with a motor vehicle to engaging an officer in pursuit.

Gilbert MacConnell had already passed the written and oral exams and the physical agility test for becoming a West Hartford police officer, but he wound up leaving his pre-employment interview in handcuffs after he told police that he owned a gun, but didn't have a permit and carried it in his car. Before he was booked, MacConnell asked: "Does this mean I'm not getting the job?"

DISTRICT OF COLUMBIA — Since Sept. 11, overworked officers have been leaving the U.S. Capitol Police faster than the department can hire replacements. Despite a pay raise and intensified recruiting efforts, many officers are said to be leaving for better-paying jobs with agencies like the U.S. Park Police and the Border Patrol. The new Federal Air Marshal program, which can pay up to \$80,000 a year depending on experience, has also drawn Capitol Police officers.

MAINE — Under an agreement between the departments of Justice and Defense, members of the National Guard are being added to the nation's borders, including 100 at Maine's border crossings, until more Immigration and Customs officers can be trained. The military personnel, however, will not carry guns, and their duties will include searching vehicles and assisting with pedestrian and traffic management.

Lawyers from the U.S. Department of Justice have begun a preliminary review of excessive force charges lodged against the Portland Police Department. Recent incidents are said to have raised doubts about the department's accountability. Police Chief Michael Chitwood said he welcomed an independent investigation as the best way to restore public confidence in the police force.

MOVING?

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MARYLAND — Baltimore police Maj. Donald E. Healy resigned March 5 after issuing an anti-crime directive that some construed as racial profiling. In the directive, Healy wrote "A female was raped last night between the above hours. Every black male around this Bus Stop is to be stopped until subject is apprehended." A number of black community leaders complained about the directive, although Richard E. Hackett, president of the predominantly black Perring Loch Covenant Association, said he had been assured that the major did not intend to endorse racial profiling. Rather, his concern was with apprehending the rape suspect.

A 20-year-old man was mistakenly shot in the face March 2 by an FBI agent tracking a bank robbery suspect. Joseph C. Schultz was shot with an assault rifle after FBI agents stopped the car he was riding in, and he reached to unfasten his seat belt to comply with an agent's order to get out of the car. The agent who shot Schultz has been reassigned to duties unlikely to involve "armed confrontations."

MASSACHUSETTS — On the same day that a task force released a scathing report criticizing the Massachusetts Bay Transportation Authority police's zero-tolerance policy toward youth crime, the policy was abandoned. The report said that complaints of "racial profiling, an overzealous zero-tolerance policy, harassment of youth... created a perception of racism that eroded public confidence in the MBTA." The task force ripped the policy as a "systematic failure."

NEW HAMPSHIRE — As they have since 1988, sociology students at St. Anselm College are once again assisting the Goffstown Police Department by conducting a community-wide survey of attitudes toward crime and community satisfaction with the service provided by police. The students, all seniors, are trained to professionally administer and analyze the surveys, ensuring the most accurate results possible.

NEW JERSEY — New Jersey Transit plans to spend \$1 million on counterterrorism training for 8,000 of its employees, following a report by former New York City police commissioner William Bratton that found the transit agency's police force ill-equipped to deal with incidents of terrorism.

A federal audit has raised questions about how Burlington County law enforcement agencies have used \$2.7 million in Justice Department grant money. The audit said the agencies received the money from the Office of Community Oriented Policing Services to move 156 police officers from administrative work to community policing but that officers have not yet been moved, and that a consortium of agencies had not developed a way to track officers. County Prosecutor Robert D. Bernardi refused the audit's criticisms, noting that the grant does not require the county to begin monitoring until the plan had been fully implemented.

NEW YORK — In the largest single-day defection from the New York Police Department in memory, 72 officers resigned in early March to join the Port Authority police. Union officials

said there is one major reason behind the exodus — higher pay. Although starting salaries for the two agencies' officers are nearly the same, with a slight edge to the Port Authority police, after five years a Port Authority cop earns \$70,344, compared to \$51,978 at the NYPD.

The NYPD's 50th Precinct in the Bronx is the focus of an internal investigation for allegedly doctoring crime statistics, after documents obtained by The New York Post showed a rape recorded as a lesser crime. The precinct's commander, Capt. Thomas DiRusso, denied any wrongdoing.

The Port Authority of New York and New Jersey plans to spend \$124 million next year to boost security at its bridges, tunnels, airports and other facilities. As part of the security upgrades, the Port Authority will increase the number of police in and around its properties and hire 82 new officers with police experience.

The Albany Citizen's Police Review Board has declared its first year a success after it backed the Police Department's findings on all 14 of the officer misconduct cases it reviewed. Although some board members were bothered by the fact that the panel relies heavily on information provided by the department's own Office of Professional Standards, many members feel the citizen review board has increased the level of confidence in police by the community.

New York City Police Commissioner Raymond Kelly has decided not to locate a backup 911 center adjacent to police headquarters in lower Manhattan because the site would be damaged in the event of nuclear attack. Kelly is now looking elsewhere in the city for a new location.

On March 12, the NYPD for the first time issued a written order that bans racial profiling. The order, which will be posted on precinct bulletin boards, read at roll calls, and reviewed by training officers, states that officers "must be able to articulate factors which led them to take enforcement action." Civil libertarians and opponents of race-based police stops praised Police Commissioner Raymond Kelly for taking on the issue.

PENNSYLVANIA — On March 14, suspended Glenolden police officer Christopher Scaggs was convicted of raping a woman after responding to a domestic-dispute call at her apartment in June 2000. Scaggs, who was acquitted of charges that he raped the woman a second time after returning for a 911 hang-up call, is facing a second case involving bribery and official oppression charges by a second woman.

VERMONT — The state Supreme Court ruled 3-to-2 on March 15 that police may not secretly record a conversation with a suspect in his home and then use the tape as evidence. John E. Geraw was charged with sexual assault on a minor in connection with alleged sex acts with a foster child. During the investigation, two police officers visited him and spoke with him at his kitchen table, while secretly recording the conversation. He has not been tried to date, pending the outcome of the supreme court case.

Southeast

ARKANSAS — Forrest City Police Officer Christopher McGill, 28, and his brother, David, 31, have been charged with first-degree forgery in a counterfeit check-forging scam that could involve other people in eight states. A State Police investigator said the scam dates back to last August and involves almost 60 checks totaling more than \$300,000. Another Forrest City officer, Lucius A. Carroll, 26, was arrested March 5 on first-degree forgery. Both officers resigned from their jobs after their arrests. The checks were reportedly printed on a computer and cashed at local banks.

Former Little Flock police officer Ian Smith is free on \$20,000 bond following his arrest on rape and drug charges. A woman told Benton County investigators that she woke up in Smith's bed with her clothes piled on the floor and a gap in her memory of what had happened the night before, after she had gone on a double date with the officer and his roommate. Smith also faces a charge in Washington County for distributing Ecstasy to two confidential informants while DEA agents watched with cameras. A search of Smith's home later turned up nine ounces of a chemical used to make GHB, the date-rape drug.

FLORIDA — Four current and former Miami police officers were indicted Feb. 28 on charges of beating a suspect, and a fifth was charged with lying to cover up his actions in a fatal shooting. Jesus Anguero, Jorge Garcia, Wilfredo Perez and Jorge Castello were charged with deprivation of civil rights related to the beating of a man after a high-speed chase in 1997. The fifth officer, Alejandro Macias, machine-gunned a man after responding to a report that the man had tried to slit his wrists. Police Chief Raul Martinez said that the police department must rid itself of rogue officers to regain the public's trust.

The Tampa Police Department is planning to switch the type of holster it has been using for years, after two recent incidents in which guns were snatched from police officers. The "thumb-break" holsters used by the department since the 1980s secure the weapons with only a single hand, while the new holsters will include safety features that add two or three steps to freeing up a gun. Although there are some concerns that the new holster will mean a slower draw, most officers said they welcome the change.

The Boynton Beach Police Department has paid \$82,000 for a high-tech Range 2000 simulator, in which officers can interact with life-sized criminals on a video screen while the device tests their marksmanship. The computer program also evaluates officers' judgment in using verbal skills while under pressure as well as their choice of lethal versus nonlethal weapons. The simulator allows the police department to videotape its own scenarios so that officers can practice on challenges that are unique to the department.

GEORGIA — On March 9, Jamil Abdullah Al-Amin, the 1960s black militant formerly known as H. Rap Brown, was convicted of the March 2000 killing of Fulton County Deputy Ricky Kinchen. The jury sentenced Al-Amin to life in prison without the possibility of parole.

LOUISIANA — Jessie Swartz, 16, is the youngest of three people charged with first-degree murder in the March 5 death of Marion Police Officer Hector "Chino" Gomez, a rookie who was killed after chasing down three suspects who allegedly tried to cash a forged check at a bank. Swartz allegedly told his mother that he fired the first shot as a warning but it accidentally hit the officer. He then went back and fired a second shot "to end his suffering." Swartz's co-defendants are ages 23 and 22.

NORTH CAROLINA — Elizabeth City Police Chief Trevor A. Hampton has called for a federal investigation of his department, saying it suffers from racial threats and intimidation and possible civil rights violations of officers "who have been victims of unauthorized investigations and threats for doing their jobs." Said Hampton, "It is common knowledge within this community that this department has been out of control for years."

Christy Gambill, 23, recently broke the state record for female police recruits by completing the police officer physical abilities test, a multifaceted obstacle course, in 4 minutes and 33 seconds, breaking the old record by 10 seconds. About three weeks after finishing the test, Gambill, now a High Point police officer, responded to a fight call at a bar and when one of the people involved tried to run from her, she hopped over a fence to catch the subject. "That shocks a lot of guys when you can keep up with them," she said.

VIRGINIA — The state police's aerial enforcement program for speed-limit violators is proving at best a limited success, with officials saying officers have barely used their Cessna 182s to issue traffic citations. Of the 733,441 tickets issued in the state in 2001, only 1,673, or 0.2 percent, were issued through the aerial program.

Three Roanoke city police officers have filed suit against Police Chief Joe Gaskins, alleging reverse discrimination when he failed to promote them. Det. Scott B. Altizer and Officer Rick Drewery claim that they were discriminated against on the basis of their sex when Gaskins promoted Cornelia McCoy to sergeant over them. Officer Susan Camper filed a suit claiming that she was passed over for promotion to sergeant on the basis of her sex and race. Camper, Drewery and Altizer, scored first, second and fourth, respectively, on the promotional exam.

Midwest

ILLINOIS — The Fraternal Order of Police lodge that represents state troopers filed suit in circuit court in Belleville on March 14, asking that plans for one-day layoffs be held up pending collective bargaining or arbitration. The plan

Around the Nation

called for 60,000 state workers to take a day of unpaid leave to ease a budget crunch. Layoffs were scheduled to start March 15 and end by June 30.

An alleged computer hacker from Wisconsin who calls himself Dr. Chaos was arrested March 9, and police discovered more than a pound of cyanide that he had allegedly cached in an underground Chicago Transit Authority storage room. Although Chicago police Supt. Terry Hillard downplayed the danger, calling Joseph Daniel Konopka "a geek" who never actually hurt anyone during his Wisconsin cyber-crime spree, investigators did shut down a subway line to ensure he hadn't left anything else dangerous around.

INDIANA — Criminal background checks can now be downloaded from the Indiana State Police web site at a cost of \$22.50, in a new service created to give people who live outside Indianapolis easy access to information that is required by many employers. Before the new service, anyone needing a background check had to either come to Indianapolis or wait for the information to come through the mail.

Gary Police Officer A. J. Davis, 35, died March 11 after shooting himself in the head, four days after he was indicted on felony charges that he illegally entered the home of his brother's former girlfriend and pointed a gun. Davis faced up to 12 years in prison if convicted.

In Elkhart, police are making more arrests under a state law enacted last July that expanded the definition of identity theft. Previously, identity deception had been limited to credit card and utilities fraud. The legal definition now includes using someone's identification without permission to defraud them in any way. The Class D felony carries a prison term of six months to three years and a fine of up to \$10,000.

KENTUCKY — Two Jefferson County narcotics detectives, Mark Watson and Christie D. Richardson, have pleaded not guilty after being charged with nearly 500 counts each of misconduct, ranging from burglary to bribing a witness. The detectives had been under federal investigation for repeated absences from scheduled court appearances. A criminal investigation by the Jefferson County police looked into whether the detectives fabricated information to obtain search warrants, tampered with drug evidence, made up defendants, took money intended for informants, and forged judges' signatures on warrants. The indictments will affect 24 cases that the detectives worked.

MICHIGAN — Travis Sales, 22, was sentenced March 1 to one year in prison and 5 years on probation, plus fines and a host of conditions for felonious assault and ethnic intimidation, in connection with the harrowing beating of a black state trooper who was dancing with a white woman. During sentencing, the trooper, Arthur Williams III, addressed Sales directly for the first time and called his actions last April "evil and ridiculous." Sales' codefendant, Jason Barker, 23, was previously convicted of the same charges and is awaiting sentencing.

Brian Joseph Bourne, 22, has been or-

dered held without bail on first-degree murder charges for the killing of Detroit Police Officer Michael Scanlon, who died from 10 knife wounds to his neck. After Scanlon stopped Bourne for an unspecified traffic offense, the two struggled and Bourne allegedly drew a knife and began stabbing the officer in the neck. Scanlon got his gun out and fired one shot, which passed through his own forearm before hitting Bourne in the abdomen. Bourne fled in Scanlon's patrol car, leaving the officer to bleed to death. Bourne was later arrested at the hospital where he went for treatment.

OHIO — The Riverside Police Department has achieved a longtime goal of tying into the Dayton Incident Based Reporting System to reduce the amount of time officers have to spend writing up reports. Once the link is completed, Riverside officers will be able to call in reports from the scene of a crime instead of having to return to headquarters to type each one. They will also be able to access a data base that includes bookings and arrests, permits, parking tickets, traffic and misdemeanor citations, towed vehicles, field interviews, warrants and a master name index.

Cincinnati officials are surprised by the "onerous" tone of a federal proposal to reform the city's police division, with Mayor Charlie Luken saying the plan called for too much intrusion into the day-to-day work of officers. The federal civil rights investigation into police procedures began in April 2001, following riots sparked by the fatal shooting of an unarmed black man who ran from police.

WEST VIRGINIA — State Police Supt. Howard Hill suffered another setback in his campaign to reform the agency's reputation for brutality and evidence tampering when he announced the suspension of two supervisors as federal officials looked into alleged wrongdoing. Capt. Rick Theis and Sgt. Tim White were placed on paid administrative leave after officials learned of a discrepancy in a lab drug report that allegedly occurred last year. Hill has called for an independent lab to test all cases. White analyzed from April 1 to July 3 of last year. In a related development, plans are afoot for the State Police to join forces with West Virginia and Marshall universities on forensic laboratory work. The union could mean better facilities and new equipment for the labs and better forensic science programs at the universities.



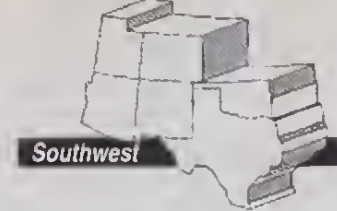
MISSOURI — The state is expecting to receive about \$4 million from the federal government after submitting a proposed outline of its anti-terrorist plan. Another \$16 million is expected after a more detailed plan is approved. After the new fiscal year begins, an additional \$30 million in bioterrorism money is expected along with \$60 million to \$65 million for other anti-terrorist efforts. Tim Daniel, the state's homeland security adviser, told the House Public Safety, Law Enforcement and Veterans Affairs Committee that he

believed bioterrorism to be the most significant threat outside of nuclear weapons. The committee approved and sent on to the full House a bill that would give the state authority to hire armed private security guards at some state government buildings.

A citizens' committee empaneled by the St. Louis County Council has concluded that undercover drug agents endangered the public when they tried to arrest a suspect in a fast-food restaurant's parking lot, ultimately firing 21 shots and killing the suspect and his friend. The committee noted that the location of the arrest seemed inappropriate given that it was evening rush hour. The County Council found few faults with the attempted arrest, however, and a grand jury voted not to hand down any charges against the officers.

NEBRASKA — Omaha police say that sophisticated surveillance systems have become common equipment among methamphetamine dealers. Sgt. Mark Langan said that the dealers are usually users and become extremely paranoid about law enforcement and rival dealers. The equipment is available at discount stores, Langan said.

WYOMING — Gov. Jim Geringer signed a new law consolidating the retirement plans of about 2,000 police officers. The \$28-million plan includes better disability and death benefits, and is expected to help departments recruit and retain qualified applicants. Under the new plan, officers receive more in the event they are disabled or killed in the line of duty, and have much more flexibility in planning their retirements.



ARIZONA — Scottsdale police Sgt. Thomas A. Hontz died and 14 other officers were injured after a device used to pump pepper spray into homes apparently exploded during a SWAT team training exercise on Feb. 20. Officers from Scottsdale and Gilbert were engaged in training drill in an abandoned house, when the accident occurred. Hontz, a 25-year veteran, is survived by his wife and three sons.

NEW MEXICO — After several years with relatively few homicides, Albuquerque will record 68 homicides by year's end, if the current pace holds. A common thread in the incidents to date is said to be the prevalence of minors who manage to find a gun and commit a crime. Recently, a 16-year-old was shot and killed by a police officer after first shooting the officer in the leg. The following day, a 15-year-old shot a deputy sheriff in the face before he was wounded and later arrested.

OKLAHOMA — Haskell County Sheriff Manual Ballard has had to lay off all six of his deputies and the undersheriff, leaving him with a skeleton crew to police the county of 11,800 residents. Deputy sheriff Joe Benney said that county commissioners only funded 44 percent of the sheriff's requested \$300,000 budget for 2001-2002. Officials said calls to the department will be handled as quickly as possible and

that the jail will remain open.

TEXAS — Houston Police Officer Keith A. Dees, 45, was killed in the line of duty March 7 when his motorcycle crashed into a disabled vehicle on Interstate 45. The 19-year veteran leaves a wife and three children.

Domestic violence shelters, police departments and nonprofit organizations throughout Houston are accepting donations of used cell phones, which are refurbished and reprogrammed to allow calls to 911 or to the hot-line number of a specific shelter. The phones are then lent to domestic violence victims. Houston police have been lending the phones to victims since 1996. The victims can keep the phones for as long as they want, usually three or four months. The cell phones are often the only means for victims to communicate with authorities. Verizon has a nationwide program that collects phones and refurbishes them. If the phones don't work, the parts are sold and the money donated to domestic-violence charities.



ALASKA — The Anchorage Police Department has unveiled its new patrol cars, inspired in part by the ideas of two high school seniors who won a design contest sponsored by the department. The new cars' main decal has "POLICE" outlined in blue and yellow. Stretched out inside the letters is a grainy photo of downtown with Cook Inlet in the foreground and the Chugach Mountains behind. The students, Kirsten Gustafson and Ben Robinson, won lunch with Chief Walt Monegan and will get their names on one of the new cars.

CALIFORNIA — An investigation has discovered that police officers from several California law enforcement agencies may have been involved in the sale of illegal assault weapons. A change in state law provides that law enforcement officers can purchase assault weapons if authorized by their employer. The case is said to involve forged LAPD documents that were used to purchase guns under that exemption.

Los Angeles Mayor James K. Hahn's decision to oppose a second term for Police Chief Bernard C. Parks has hurt his approval rating among the city's residents, and especially among blacks, who voted overwhelmingly to elect him last year. A poll by The Los Angeles Times also found that Parks' approval rating is up significantly from a year ago, with 51 percent saying he has done a good job.

Following a report in The San Jose Mercury News that some security employees at San Francisco International Airport showed up in the FBI's national crime data base, the airport revoked eight employees' high-level security clearance. Rape, theft and assault were among the convictions found in the data base. San Francisco police are now investigating 46 other employees who may also lose their clearances. So far this year security checks have turned up 275 employees at the San Francisco

and San Jose airports with prior felony convictions.

Two former law enforcement officers were sentenced to 30 months each in prison in unrelated corruption cases. Richard Casas, a veteran U. S. Customs agent, had pleaded guilty to conspiracy to smuggle 10,000 counterfeit Microsoft computer programs into the country from Hong Kong, and admitted to taking bribes in connection with his official duties. Douglas John Bos, a former Ontario police officer, had pleaded guilty last year to obstructing a major narcotics investigation by accepting money in return for warning a criminal target that he was about to meet with a government informant.

Maywood police have warned residents that a group of men posing as police officers were committing home invasion robberies. In two instances, men wearing black "raid" jackets and baseball caps with LAPD logos entered residents' homes, bound their hands, and robbed them. Police urged residents to make sure police are wearing a standard police uniform with an identifiable badge.

Los Angeles residents narrowly approved a \$600-million bond measure to finance the building of new police stations and 911 emergency call facilities. Voters had rejected similar measures in 1995 and 1999, but since the Sept. 11 terrorist attacks, the public has been supportive of proposals to help police and fire departments.

IDAHO — In the past decade, the state has lost eight forensic scientists to better paying jobs elsewhere. A certified bench chemist with the State Police's Forensics Division is paid about \$37,419 a year.

NEVADA — Las Vegas-based DEA agent Steven Kinney, 42, was arrested March 12 and charged with soliciting nine boys for sex in department stores by wrapping a note around a rock and then tossing the stone at them. None of the children who were solicited had any sexual contact with Kinney, who faces charges including felony attempted sexual assault, felony attempted statutory sexual seduction and felony solicitation of a minor.

A new reverse-911 system will reach thousands of residents in emergencies in Las Vegas and Clark County. A \$60,000 grant from the Federal Emergency Management Agency helped pay for the equipment, while the city's emergency management fund will pay for upkeep as well as the \$200-a-month fiber optic line.

OREGON — Portland city commissioners have unanimously given City Auditor Gary Blackmer the go-ahead to hire an independent expert to review three to five years of police-involved shootings and in-custody deaths. Although the newly formed Citizens Review Committee had wanted the authority to review the cases, Blackmer and Richard Rosenthal, director of the Independent Police Review Division, contended that citizens lacked the training to evaluate such matters. The outside reviews will examine hiring, training, general orders and police procedures, equipment, management and supervision of officers, but not an individual officer's conduct.

People & Places

Newton's apple

Calling him an extraordinary human being who has been to Ground Zero and returned, Newton, Mass., officials in January chose former New York City police inspector **Jose Cordero** to lead the city's force.

The 45-year-old Cordero, who was sworn in last month, will be Newton's first Hispanic police chief. Selected from a pool that included four in-house candidates, his appointment was contentious. On the eve of the swearing-in, three members of the Board of Aldermen voted against him, but the majority of the 24-member panel voted in his favor.

"This begins a journey to make a great police department even better," Cordero said. "I am grateful for [the] trust and awesome responsibility of serving the City of Newton."

Mayor **David Cohen** said he chose Cordero for his proven abilities in a demanding law-enforcement environment. Cordero, he said, led efforts to stem gang and drug violence in the Bronx and led local public-safety efforts after the crash of American Airlines Flight 587 in Belle Harbor, Queens, last November.

Cordero, said Cohen, has "seen the toughest things a law-enforcement officer can see," and the mayor predicted that Cordero "will become a great chief in the tradition of the chiefs who have come before you."

In his comments during the swearing-in ceremony Cordero made subtle references to Newton's ongoing financial woes, which may involve a tax cap override to cover a shortfall in the city's public safety budget. While remaining "mindful and responsive" to residents' concerns, Cordero said he hopes to make the force into a regional model for policing.

Lieut. **Robert McDonald**, who served as interim chief since the retirement last summer of **Frank Gorgone**, told of how he had lost his way to police headquarters on his way to his job interview 30 years ago, a good-natured jibe at Cordero's need for directions to get around the city.

"I was glad I found my way to Newton, and I think he will find he's glad he found his way here, too," McDonald told *The Boston Globe*.

Bureau shuffle

The war on terrorism will have to carry on without **Barry Mawn**, head of the FBI's New York field office, who left in February, just short of the mandatory retirement age of 57, to pursue a private-sector security job.

But Mawn said he is leaving confident that the al Qaeda terrorist network will be neutralized in coming years. "Terrorism is clearly a priority of the President, the Department of Justice, the FBI and all of law enforcement right now," he said. "None of us wants another 9/11 to occur. We are going to do everything in our ability to prevent that."

When the planes hit the World Trade Center towers that day, Mawn was among those who ran for their lives



Newton, Mass., Mayor David Cohen congratulates the city's new police chief, Jose Cordero, following Cordero's swearing-in.

through the clouds of dust and debris. He threw himself under an ambulance for protection, he said, then went back to work setting up a command post.

"Everyone was impressed by Barry's coolness under fire during 9/11," said **Thomas Pickard**, a former deputy director of the bureau who retired in December. "He was almost killed when the towers collapsed, but he didn't miss a beat."

There have been other high-profile investigations in Mawn's career. As head of the FBI's New Jersey field office, he was thrust into the Unabomber case after a business executive was killed there. Then in 1999, while in charge of the Boston office, Mawn led the investigation into the downing of an EgyptAir jet off Nantucket. The crash, which evidence suggests was the deliberate act of the co-pilot, killed 217 people.

Mawn believes that it will take two to four years for investigators to comb the wealth of intelligence information gathered since Sept. 11. The investigation into the attacks has already yielded information on the bombing of the U.S.S. Cole in 2000, which killed 17 sailors.

The bureau replaced Mawn with **Kevin Donovan** on Feb. 27. Other personnel changes within the FBI last month included the appointment of **Cassandra M. Chandler** as assistant director for training, **David W. Szady** as assistant director for counterintelligence, and **Grant D. Ashley** as assistant director for criminal investigations.

Chandler's last assignment was as section chief in the investigative services division at FBI headquarters where she oversaw the bureau's analytical program for criminal and domestic terrorism matters. Szady, a 29-year veteran with 25 years in counterespionage and counterintelligence work, previously served as the first national counterintelligence executive, charged with developing a "seamless strategy-driven concept." Ashley, who was appointed a special agent in 1980, has served since 1999 as head of the bureau's Las Vegas division.

Big Easy, hard loss

After losing his bid for mayor this month, New Orleans Police Superintendent **Richard Pennington** returned to work on March 4, but said his last two months at that post will be the last time he serves as a municipal chief — unless, of course, someone makes him an offer he cannot refuse.

"I'm not going anywhere," he said. "I've decided to make my home here."

When his contract is up in May, Pennington said he will go to France and Italy for three months with his wife and 5-year-old son. Then he will consider other job options. Pennington, 55, is finishing a book he is writing about his seven-year tenure as head of a department he was hand-picked to lead by **Marc Morial**, who was barred by law from seeking a third term as mayor.

After that, Pennington said, he will launch a consulting firm that will draw on his contacts within the Justice Department and several national law enforcement groups to provide advice on homeland security and combating police corruption.

Pennington, who was a novice politician, was defeated in runoff election by **Ray Nagin**, an executive with Cox Communications, by a 59 percent to 41 percent margin. "When I got involved in this race, people didn't give me much of a chance," Pennington told *The (New Orleans) Times-Picayune*. Still, Pennington said, he did not have second thoughts about having entered the fray. "It was a good experience for me. I learned a lot, and it was very exciting. It felt good to be involved in the process. It felt good to make the final two out of 15 candidates."

It is unlikely that Nagin will offer to Pennington a contract to stay on as superintendent. The election turned bitter, with Pennington accusing Nagin of unethical business practices and his supporters claiming he was a closet Republican. On the steps of City Hall,

Pennington claimed to have information about his rival which he said "sickens me to my core," but refused to elaborate.

In hindsight, Pennington said he "should have just put everything on the table right then and there."

As superintendent, he is credited with reducing crime by approximately 50 percent and bringing far greater accountability to a force that had been riddled with corruption and brutality problems. During his last months as head of the NOPD, Pennington said he would dedicate the time toward institutionalizing his reforms rather than introducing new initiatives.

Reaching out

Bolstered by the results of a confidential survey that found broad rank-and-file support for the hiring of an outsider, Allentown, Pa., officials this month went ahead and hired **Stephen Kuhn**, a law-enforcement veteran and policy adviser to the Washington, D.C., police force.

The eight-page questionnaire was circulated with the cooperation of the police department by Mayor **Roy Aflerbach** before he took office in January. Seventy of the department's 200 officers responded, with 59 saying they would accept a chief chosen from outside the agency. Eighty-five percent responded that morale was either low, very low or incredibly low. Four percent termed morale "nonexistent."

Aflerbach's survey was distributed with a letter directing respondents to return the questionnaire to Lehigh County Judge **Thomas Wallitsch**, who headed the selection committee advising the mayor. But a police commander whom Aflerbach has not identified sent out his own letter, telling officers to ignore the mayor-elect's instructions and return all completed surveys to him. Aflerbach countermanded that order within 48 hours. The commander explained that his intention was to collect all the questionnaires and deliver them at once to the judge. No disciplinary action will be taken.

In any event, the results were interpreted by Aflerbach as a mandate for change. The mayor called them a "firm basis on which to build and improve the police department."

Kuhn, 58, has 37 years in law enforcement, nearly half of them spent with the Chicago Police Department as a detective, sergeant and watch commander at O'Hare International Airport. With the Justice Department, he led special projects such as helping to train police in Albania and El Salvador. Kuhn also served as chief of police in Lincolnwood, Ill., before joining the D.C. Metropolitan Police Department in 2001 as deputy director of quality assurance. He holds a master's degree in history of Latin America and the Caribbean.

The *Morning Call*, a local newspaper, cited Kuhn's varied policing experience and his fluency in Spanish as pluses in a community with a growing Hispanic presence. And as an outsider with no allegiance to any groups within the agency, he cannot be accused of favoritism, the paper opined.

"He has my fullest confidence and complete support to do what needs to be done," said Aflerbach, who chose

Kuhn from a pool of 35 applicants. The six finalists who were interviewed included two from the Allentown force. If his nomination is approved by the City Council, Kuhn will assume command on April 8.

One last step

When you've had a 36-year career highlighted by 30 commendations, including the department's Award of Valor, there would seem no place to move but up, which is what **Sylvester M. Johnson** did in January when he succeeded **John F. Timoney** as Philadelphia's police commissioner.

Johnson, who was sworn in on Jan. 4, had served as Timoney's deputy commissioner of operations, a post to which he had been appointed in 1998. He played a major role in the department's successful handling of the Republican National Convention in July 2000 and was also the main architect of Operation Sunrise, a multi-agency anti-drug initiative.



Johnson

Throughout Timoney's four-year tenure, Johnson served as his principal adviser and operational commander. As the city's second-highest ranking police official, he was in charge of the department's patrol, detective and narcotics bureaus, as well as its special patrol unit, civil affairs, emergency response and command inspections divisions. A nationally-recognized expert in hostage negotiations, Johnson has been credited with formalizing the Hostage Negotiation Team concept in Philadelphia.

Since joining the force in 1964, Johnson has balanced his steady ascent of the career ladder with college and professional education. He has attended Temple University, the Senior Management Institute for Police at Harvard University, the FBI National Academy and the bureau's National Executive Institute. Last year, Johnson was a recipient of the George Fencil Award, awarded annually by *The Philadelphia Daily News* for "dedication, civil commitment, fairness and respect for the rule of law."

Among his first acts as commissioner, Johnson rescinded Timoney's three-month-old order banning officers from smoking in the presence of the public or while performing official duties. The order had ruled the Fraternal Order of Police, which filed an unfair labor practice complaint with the state Labor Relations Board. The organization said it would support a smoking ban if it was put into place fairly.

"We didn't take a stand in favor of smoking," said FOP president **Richard Costello**. "We took a stand against changing a negotiable working condition that's subject to the bargaining process."

Johnson also called an emergency meeting of the department's highest-ranking officers after a spate of shootings over a February weekend that left three dead and five wounded. It was time, he told his commanders, to get angry about crime.

The ups & downs of college for cops

As one police agency lowers its educational requirements, another has beefed up standards and has launched a campaign to recruit the "best and the brightest" from Ivy League schools.

Citing a dwindling number of applicants, the Bangor, Maine, Police Department last month said it would drop its decade-long requirement that applicants have either a two-year criminal justice degree or two years of full-time law enforcement experience. Now, prospective officers need only be 21, have a high school or equivalency diploma, and a valid driver's license.

"We want to expand the number of applicants we get because I'm convinced that there are people out there in the community who would do a real good job as a police officer who might not necessarily have the degree," Chief Don Winslow told The Bangor Daily News.

Out of a pool of 20 applicants to fill the agency's five current vacancies, only a Cumberland County deputy and perhaps one or two others are being considered, Winslow said, adding that the quality as well as the quantity of applicants has suffered.

Nearly one-third fail to pass the Maine Criminal Justice Academy's physical agility test, and another one-third to one-half are eliminated following a background check.

The Bangor department has also had a tough time of it because it has fallen behind what other agencies pay their officers, making it nearly impossible, Winslow said, to hire academy-trained officers away from smaller departments. Some relief may be on the way in the form of a three-year contract due to take effect July 1, which includes a cost-of-living increase and step increases of up to 13 percent over the life of the contract.

The debate over whether a college degree makes for a better officer or merely serves to hinder recruiting efforts has raged anew during the past few years, with many chiefs continuing to assert that it is worth the extra effort to hire college-educated recruits.

Hamden, Maine, Police Chief Joe Rogers said that he believed departments should be raising their educational standards, even though he is having a hard time filling two positions within his agency. The Hamden Police Department requires a two-year degree or certification from the state's Criminal Justice Academy.

"We as police administrators need to do a better job of selling the job and recruiting people," Rogers told The Daily News, noting that reducing educational requirements would be tantamount to cutting a four-year college degree for teachers during a teacher shortage.

In New York City, meanwhile, recruiters for the NYPD are making the rounds of some of the nation's most prestigious four-year colleges in the hopes of attracting Ivy Leaguers who might be more inclined to take a public service job — albeit a modest-paying one — in the wake of Sept. 11.

"I want to get the best possible people into this organization," said Police Commissioner Raymond W. Kelly. "The people of New York City deserve it. It's an opportunity now to get the best and brightest people available into the police department."

According to Assistant Chief Rafael Pineiro, commander of the agency's Recruitment and Retention Unit, officials will be making upcoming trips to Yale, Harvard, Columbia, New York University and Temple University, which has one of the nation's largest criminology programs.

"We're the top police department in the country, and we should be able to attract the top candidates," Pineiro told Newsday.

The first day of the Ivy League recruiting campaign on March 28, while not a resounding success, still managed to entice more than 35 students to sign up for the next recruit exam.

In addition to making the rounds of the Ivy League, officials said they would also offer college students the option of taking walk-in tests. If they pass, they can apply to the department. The next is scheduled to be held April 28 at Nassau Community College.

Kelly has also eliminated a waiver implemented in 2000 under Commissioner Bernard Kerik which permitted school safety officers and traffic enforcement agents to bypass the department's 60 college credit requirement. The waiver will now only apply to those with military experience.

Online filing for NYPD

In an effort to streamline the entry process even further, the NYPD is allowing people to apply for its recruit exam via its Web site — www.nyc.gov/html/nypd. The department is the first city agency to allow people to file for the civil service test online, said Assistant Chief Rafael Pineiro.

Those who apply prior to the April 28 deadline would be eligible to take the test on June 8. The agency expects 14,000 to 16,000 applicants for exams, which are also scheduled for this coming October and February 2003.

Previously, one had to call 212-RECRUIT to get an application, or visit a police station.

Columbus sails new waters in diversity response

What began as an effort by the Columbus, Ohio, Police Division to meet the needs of the city's hearing-impaired population may grow to encompass a far wider range of community residents with special needs, under a proposed Diverse Cultural Response Unit that was unveiled by the agency last month.

While the unit is still awaiting final approval from Chief James G. Jackson and his executive staff, it would bring together 10 to 12 officers with foreign-language skills and sensitivity training to provide both advice and operational support, said Lieut. Jeffrey Blackwell, who will head the unit.

"I realized there was a need for us to do a lot of things better dealing with different people," he told Law Enforcement News. "As globalized as Columbus is becoming, we owe it to the community to understand the community, to build bridges and have a dialogue."

Blackwell said the idea for the unit was prompted by inquiries from the City Attorney's office as to whether certain requirements of the Americans with Disabilities Act were being met.

Last June, three hearing-impaired residents filed a complaint against the city with the U.S. Justice Department, charging that they were not provided with sign-language interpreters during contacts with police. One of the plaintiffs was stopped for a traffic violation, another was charged with passing bad checks, and the third was involved in a landlord-tenant dispute.

Said Assistant City Attorney Patricia Delaney: "I started looking into this interplay between [the ADA] as it related to law enforcement. I felt that with the diversity within this community that we could maybe address some issues within the hearing-impaired community and other areas."

More and more, Delaney told The Columbus Dispatch, the ADA is becoming a way for plaintiffs to bring lawsuits against municipalities. The new unit will help Columbus ward off such problems, she said, adding that officials are considering entering into an agreement with the Justice Department that would resolve the complaint.

Among those groups the unit is prepared to assist would be the elderly, gays and lesbians, the mentally ill, and those with physical impairments. The unit's members would fulfill regular duties but be on call should a need arise, said Blackwell.

"We see ourselves as an advisory council with an emphasis on being very participative in the community," he told LEN. "We don't see ourselves as a watchdog group for the department, we don't want to look over as far as investigations, as far as discipline or anything like that, because that we're perceived as a negative."

One proposed member of the unit is Officer Remus Borcila, who speaks Romanian and whose parents are both deaf. While he has limited ability in American Sign Language, Borcila said he brings to the table a knowledge of what it is to be part of a deaf family.

Many foreign residents "scatter" when they see police, considering them to be an extension of the Immigration and Naturalization Service, Borcila told The Dispatch. "It's very frustrating," he said. "A lot of times, I don't care if you're illegal; I just want to know who the bad guy is. I want the inside infor-

mation."

Blackwell said he gave police officials a variety of what-if scenarios. For example, what if police had to deal with a Somali family in a barricade situation? No one on the force speaks Somali, and few if any speak Arabic.

"We lose crucial time not being able to communicate with people," he said. "In that regard, we want to be able to

"As globalized as Columbus is becoming, we owe it to the community to understand the community, to build bridges and have a dialogue."

— Lieut. Jeffrey Blackwell

respond to officers' needs, questions, respond to community meetings so that we can be the beacons for the police department and bring back information and train our officers as intermediaries in a lot of situations."

Blackwell said he does not want the proposed unit to be a flash in the pan. It has to be permanent, he said, because the changes in Columbus's population are permanent.

"It's completely obvious that that this city is different. We owe it to the citizens to do our part because a lot of conflict starts with police-citizen relationships and they're either positive or they're not."

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Regional cyber-crime crime lab makes its St. Louis debut

In a project two years in the making, St. Louis-area law enforcement agencies this month unveiled the region's first forensic computer crime lab, which will provide equipment and expertise on a 24-hour basis to local police departments.

The idea for the Regional Computer Crime Education and Enforcement Group (RCCCEEG) of Greater St. Louis began at a training session two years ago that was attended by Clayton, Mo., police detective Ken Nix. Nix heard a presentation there by a member of an Illinois computer crime task force and realized there was nothing like it in his area. So he asked his chief if he could run with the concept.

"He gave me the go, and I started working with Bill Harmony, the person who was with the Regional Computer Crime Enforcement Group in Illinois," Nix told Law Enforcement News. "We slowly got a band of 15 people together in the St. Louis region and after working with that we tried to get training through the Illinois attorney general."

Within a year, Nix was able to form a core group of four supervisors, including himself, and developed a board of managers made up of five area police chiefs. The project also picked up two prosecutors, one each from St. Louis

and St. Charles counties.

Expanding on the Illinois model, the St. Louis lab will conduct online investigations of Internet crimes against children, as well as performing forensic services, including warrant preparation, search and seizure, and the collection and analysis of computer-related evidence. The lab now has a core group of approximately 50 law enforcement officers covering the city of St. Louis and all of St. Louis, Jefferson and St. Charles counties.

"There's really no one who was able to assist municipal police departments with computer crimes," said Nix. "If they had a computer crime, or a computer they needed seized, nobody really knew how to go about it, or who could respond."

He got lucky, he said, when his supervisor put him in touch with a Secret Service agent who provided an introduction to many of the federal law-enforcement agencies. The lab was able to bring in as members and advisers personnel from the FBI, Secret Service, U.S. Customs and the Postal Service.

Another piece of luck was the involvement of Solutia Inc., a subsidiary of Monsanto, the chemical manufacturing company, which donated space and state-of-the-art equipment for the facility. "They really jumped in there and

built us a lab and supplied it with computers," Nix told LEN. "We have total security access in there where we could go 24-hours a day."

The computer lab is modeled on the area's Major Case Squad concept, in which various agencies supply officers for a big investigation for several days at a time. In this instance, officers are paid overtime for their participation in the lab.

"We got this together without federal aid and without trying to seek funds through departments," said Nix. "Our main thing is we get police together who can go and donate their time," or police departments that will pay officers for the work they do if there is a call-out, he said.

"We try to keep the call-outs to a minimum, but we train people how to do everything," said Nix, adding that overtime is kept in check by having officers perform separate tasks. One might do search and seizure, accumulating four or five hours of overtime, and another might do the forensic examination. "We cut down on the time each officer has to spend."

The facility will be manned during business hours by five officers, each assigned there by their various departments one day a week. "This is pretty generous," said Nix.

Judge changes his mind on fingerprints

Continued from Page 1
the motion."

Still, Pollak's initial decision opened up a broad debate on the reliability of trace evidence that even his subsequent reversal cannot stop, said Dr. Lawrence Kobilinsky, a serologist and associate provost at John Jay College of Criminal Justice. Just as fingerprinting became a target, he said, so too can any forensic technique other than DNA.

"None of these arts — and I call them arts, if you want to call them sciences, you can — have the foundation and validation that DNA testing does," Kobilinsky told LEN. "So the same arguments that are made about the problems of fingerprint analysis can be applied to bite marks, for example."

Very often, two pieces of evidence will "butt heads," he said. "The expert who analyzes bite marks draws a conclusion based on the pattern analysis of a bite mark on the skin, whereas if you swab that bite mark area on the skin and you remove the DNA from the saliva, and then you do a test to see who did the biting, sometimes you get contradictory results. When you have two kinds of analysis butting heads, you use the one that's more reliable. In this case, DNA."

Judge Pollak, Kobilinsky believes, was under enormous pressure to reverse himself. "It wasn't because he suddenly realized that there's all this scientific foundation."

Fingerprint analysis has ended up in a position where it has oversold itself, observed Simon Cole, a science historian and the author of "Suspect Identities: A History of Fingerprinting and Criminal Identification" (Harvard University Press, 2001). Determinations made by fingerprint examiners at crime scenes carry a weight for which there is no real basis, he told LEN.

"They don't have enough research to back up the strength of those claims," said Cole. "If those claims were a little more muted, it might not be as big a problem, but an entire century has been spent building up this idea that fingerprint identification is infallible, that examiners never err, never lie, that this technique is impregnable. All that has seeped into the public mind. I think jurors come in with that notion and it's also seeped into the legal system and that's a bit of a problem."

Fingerprinting was made vulnerable by recent Supreme Court decisions on expert testimony. In 1993, in *Daubert v. Merrell Dow Pharmaceuticals Inc.*,

the Justices ruled that when making a determination about the helpfulness of scientific evidence, courts should undertake "a preliminary assessment" of whether the methodology underlying the testimony is sound and can be applied to the facts at issue. The decision also outlined factors to be taken into consideration, including whether the theory or technique has been subjected to peer review, is generally accepted by the scientific community, and has a known or potential error rate.

"In *Daubert*, the judge has extraordinary power in determining whether physical evidence is admissible or not," said Kobilinsky. "This is the first time this has happened for fingerprint evidence. Obviously, it opens the door to a lot of cases that have been adjudicated using this method."

Pollak based his ruling on the court records from the first legal challenge to fingerprinting under this standard. In 1999, a federal public defender, Robert Epstein, argued that crime-scene fingerprint identification had never been scientifically tested for accuracy. Moreover, the training of analysts and the standards constituting a match vary widely.

Epstein pointed to the fact that the

FBI sent the defendant's official prints to 53 law enforcement agencies. Eight of the 34 laboratories that responded were unable to match at least one of the two latent prints with the defendant.

"*Daubert* asks for standards," said Cole. "Then when asked for new standards, there are all these different standards floating around, and no single standard that they can point to."

Fingerprint examiners are in two camps, he said. There are those who believe analysis should be based on a certain number of points of comparison, and those who believe it should be based on as many points as satisfies the individual examiner. Even within these groups, there is no agreement on the number of points, said Cole.

"If you know the history, it makes perfect sense. These numbers were just sort of made up by law enforcement agencies and so they're not based on anything," he said. "From there, the argument that we shouldn't just have some matching number, we should have a floating standard based on the judgment of the examiner, makes a certain amount of sense if you know the numbers are just made up."

The implication, noted Kobilinsky, is that two different fingerprint exam-

iners from different jurisdictions can come up with different results. "And that is scary," he said.

However, Castor, the Montgomery County prosecutor, contends that issues such as an examiner's reliability, the method used for reading the print and the standards applied for reaching conclusions should all be decided in court.

"You have to step back and consider what the threshold for any opinion is, and it is simply that the witness has knowledge outside the ordinary experience of the lay person that makes them an expert in that area and able to render an opinion," he said. Whether that opinion is valid, he observed, is up to a jury to decide.

There simply is not the type of scientific foundation for fingerprinting that there is for DNA, said Kobilinsky, despite what some fingerprint experts may claim. "It is one thing to say, 'It is an art which I am very good at,' as some examiners do," he said, and another to say there is science behind it.

"I can't tell you how many hundreds of thousands of man-hours went into the development of DNA to bring it to where it is today," he said. "I can tell you that was something that was not done in the case of fingerprints."

More shootings, not enough followup with victims:

Bad news on top of bad news for DC cops

The Washington, D.C., Metropolitan Police Department received unsettling news on two fronts last month: the number of police shootings more than doubled last year, and officers were failing to follow up with crime victims.

According to a comprehensive report by the MPD's Force Investigation Team that chronicled the agency's use-of-force, police gunfire injured or killed 17 people in 2001 as compared with seven the previous year — a 145-percent spike. Moreover, the number of times police fired at suspects rose by 45 percent from 2000, from 20 to 29 times, said investigators.

An analysis of the data found that 89 percent of the officers who fired a weapon in 2001 were male. They averaged 37 years of age, with 8½ years on the force.

The increase in shootings last year, which included three fatalities, reversed a two-year decline that had been largely attributed to improved training. In 1998, officers shot 32 people, killing 17.

Following a series of articles by The Washington Post in 1998 that found D.C. police had shot and killed more people per capita during the 1990s than any other major U.S. police force, Police Chief Charles H. Ramsey and Mayor Anthony A. Williams asked the Justice Department to step in. The two-year federal investigation, which concluded last summer, found a "pattern

of excessive force" in the department during that decade.

A number of changes were made, including an overhaul of the agency's training programs, a computer program to track officers' conduct, and the creation of the investigation team in 1999.

This year, the department plans to analyze bites by police dogs and track other uses of force, including baton strikes and instances in which officers point their weapons at someone, said Assistant Chief Kim C. Dine.

Investigators on the use-of-force team scrutinize the circumstances surrounding each shooting, looking for alternate actions that could have been taken, tactical errors that were made and smart reactions. The analyses are then sent to the training academy and incorporated into the curriculum, Ramsey told The Post.

For example, when the team found in January 2001 through computer analysis that accidental shootings were occurring while officers struggled with suspects, instructors modified training so that special attention would be given to the handling of firearms during struggles. And when data showed an increase in animal shootings, investigators on the team told instructors to mention dogs during weapons training, and the rate of animal shootings dropped, according to the report.

Ramsey attributed the rise to "sta-

bilizing." When such figures drop to the level seen in 2000, he said, there are going to be increases. The city is still experiencing a lot of violence, the chief said, citing the 233 murders committed last year. "When our officers do have to use any form of force," he told The Post, the department wants to make sure it is done properly and with a minimum of injury.

As for the agency's treatment of crime victims, a citywide survey conducted by the department in 2001 and released last month found that when it comes to dealing with the public, of-

ficers show respect and compassion, but they are woefully lacking when it comes to informing victims about compensation, providing information about the case and doing follow-ups.

"We need to do a better job when it comes to helping victims deal with their recent victimization and get on with their lives with confidence and safety," said Ramsey. "They are a unique population by nature, people who have been victimized by crime, and we can learn a lot about the job we're doing from them."

Police recruits last year conducted

interviews with 401 of 1,200 randomly selected victims of aggravated assault, burglary, motor-vehicle theft or robbery. Eighty percent said police were "very respectful" throughout the process, and more than half said they were "very satisfied" with the way their cases were handled.

But 58 percent said they never received crime prevention information; 82 percent said police never told them about what type of counseling was available; and 72 percent said they were never referred to agencies that could assist them.

Ohio acts to close a loophole in sex-offender registry law

Steps have been taken by Ohio lawmakers to correct a defect in a law that allowed those who pleaded guilty to importuning, or soliciting sex from a minor over the Internet, to duck the sex offender label and thus the need to register with local law enforcement.

The law, sponsored by Senator Steve Austria (R.-Beavercreek), raised the offense from a misdemeanor last year to a fifth-degree felony. But it was never included among the charges in Ohio's criminal code that would automatically trigger registration on the state's sex offender registry.

"I don't know if it was just left out," Craig King, an assistant prosecutor for Green County, said in an interview with Law Enforcement News. "It has been said that some people think importuning, even though it's a felony, is not serious enough to trigger" registration. "We disagree, obviously. These people are prime candidates for being registered as sexual offenders, or habitual sexual offenders, depending on the circumstances."

King said a bill aimed at fixing the problem is currently making its way through the legislature. Although it would take eight to 10 weeks for such a change to pass, it will most likely be effective immediately. It will not, however, be retroactive. Those who have already pleaded guilty to the offense can avoid registration.

Since passage of the law, five of what authorities refer to as "travelers" have avoided being so labeled, and judges will not be able to pin that designation on another three with pending charges until the loophole is closed. The next traveler, said King, will be charged with two offenses: importuning for sex online and attempted unlawful sexual conduct with a minor, which allows for the label.

Over the past two years, a computer crime task force created by two Xenia detectives has resulted in the arrests of 26 travelers. To counter any ideas that the men were entrapped by police, King set up a strict protocol — no initiating conversation, no sex talk, and no ask-

ing for or sending the first pictures. And they do not talk about setting up the meeting.

The two detectives, Alonzo Wilson and Darrin Barlow, said it hardly matters. Within minutes of entering a chat room, adult men begin asking for descriptions. Barlow, whose online profile states his age as 14, said he even once told someone he was "a big fat cop... I didn't even lie to him, I told him the truth."

All but four travelers have been prosecuted in Green County Court of Common Pleas, with one tried in Xenia Municipal Court, one in a Pennsylvania federal court, and another in Arizona. Four of those prosecuted in Green County have served prison time.

"Of all the types of crimes that we prosecute, this is the one area that is black and white," Mary Beth Buchanan, the U.S. attorney for the Western District of Pennsylvania, told The Dayton Daily News. "There's no gray area in this crime because there's no excuse for sexually exploiting children."

It's Not Too Soon to Plan your Summer Reading...

And you won't want to do it without the latest Low Enforcement News Literature Supplement. You'll find hundreds of the latest books on police and criminal justice-related topics, all with capsule descriptions or reviews to make your next trip to the bookstore or library as smooth as possible. It's coming soon, and only in LEN — of course.

Youthful indiscretions

Doors open wider to police recruits with prior drug use

Youthful experimentation with drugs — even hard drugs — will no longer be an automatic barrier to joining the Virginia State Police, as the agency last month became one of a growing number which in the past decade have expanded their definition of what makes a candidate employable.

Under the state police's new guidelines, those who have tried heroin, cocaine or any other Schedule I or Schedule II drug more than five years before applying may still be considered. Use of those drugs more than once, however, would mean disqualification, as would any use of LSD or PCP. A different standard applies to marijuana. Applicants may still be considered if they have used it more than once, but not within the previous 12 months.

People convicted of driving under the influence more than five years before applying are also still eligible, but anyone with more than one DUI conviction would be removed from consideration.

"It's the right thing to do in some situations," said Lieut. Col. Donald R. Martin, the agency's deputy superintendent.

The agency is not lowering its standards, Martin told The Richmond Times-Dispatch.

Rather, it is introducing a fairer process which takes into account an applicant's "entire employment and life history." Said Martin: "Our present policy would not allow us to even consider that person at all, even if they've lived an exemplary life."

The change does not mean that every applicant who has used drugs in the past or been convicted of driving drunk will be hired, he emphasized. "We could at least delve a little bit further into his background to see if this was a pattern or to see if it was just a one-time mistake the person made," said Martin.

Although the state police is currently 200 positions short of its authorized staffing level, it did not make the policy change because of the personnel shortfall, Martin said.

Still, many departments have had to become more flexible in recent years in deference to a shrinking pool of applicants. Colleges and the military, which some recruiters believe turn out the best candidates in terms of education and maturity, are also places where applicants are perhaps most likely to have tried drugs.

In an earlier interview with Law Enforcement News, Loveland, Colo., Police Chief Tom Wagoner said he saw a possible correlation between those who attended college and those

who admit to having smoked marijuana. The Loveland department requires its applicants to have some college.

Ten years ago, he said, his department could hardly find anyone who had not experimented with pot. The agency changed its policy then to be a little more lenient on prior drug usage. No one will be accepted who has used an illegal substance in the past three years, or who has sold or used any kind of illicit drug that is still a prosecutable offense.

While the department distinguishes recreational drug use from addiction, the bottom line, said Wagoner, is that no one who has used drugs more than 20 times will be strongly considered. All applicants take a polygraph test.

In Virginia, meanwhile, some veteran state troopers believe that the new guidelines will allow unsuitable officers to join the agency's ranks. "I think it would lower the standards," one told The Times-Dispatch. "You got to be real careful when you start dealing with hard drugs."

Two years ago, the Denver Police Academy found itself defending the acceptance of a recruit, Ellis "Max" Johnson, who had admitted to using drugs 150 times prior to 1987 and had been previously rejected by 19 law-enforcement

agencies. [See LEN January 15/31, 2000.]

At least as disturbing were the statistics released by city officials which showed that 23 of the 34 cadets in Johnson's class said they had used illegal drugs or misused prescriptions. Nearly three out of every five candidates eligible for a training session also admitted to past drug use.

While Denver may be an extreme case, even the FBI had to loosen its standards regarding prior drug use. Candidates may not have used hard drugs for a period of 10 years prior to hiring, and marijuana for up to five years.

Just outside of Richmond, prospective officers in Chesterfield County will not be considered if they have used marijuana within the past three years or if they have ever used hard drugs. The department changed its policy regarding DUIs last fall so that candidates may be eligible if the conviction occurred more than eight years before application.

Applicants to the Richmond Police Department can still be considered if their DUI conviction is more than six years old. Prior use of hard drugs, such as heroin and cocaine, must have occurred more than four years earlier, and marijuana more than two years ago, said agency spokeswoman Jennifer Reilly.

By police, for police:

Software makes some traffic stops easier

Two new computer programs designed by police for police are making the issuance of traffic tickets a much safer and less time-consuming responsibility for a number of agencies in the state of Florida.

Designed by an auxiliary officer with the Delray Beach Police Department, Virtual Partner software reads aloud the results of queries, while Quick Ticket automatically fills out and prints citations. Both are compatible with any police data system.

The program was installed last year in the Delray department's fleet. Its designer, Jeff Rubenstein, worked with two officers to field-test the system. "The whole concept was designed by cops," he said. "It's everything an officer could want."

Rubenstein, an attorney and technology executive by profession, plans to sell the program nationwide through his firm, Advanced Public Safety Inc., of Boca Raton.

"What's the key about this is the officer can get a tremendous amount of additional information about someone prior

to stopping the vehicle," Rubenstein told Law Enforcement News. "Today, when they just run a tag and have to read through the screen prior to stopping the vehicle, they sometimes don't because it's difficult to read and drive at the same time. Here you have voice response."

In addition, he told LEN, "it goes out and queries a driver's license and warrant check on the person based upon the results that come back on the registration screen. Even if the officer was diligent enough to type in the tag and look at the NCIC and registration that comes back, they would have to go a whole other step and actually run a driver's license request, then a whole other step and see if the guy has a warrant. This does it automatically prior to stopping."

The voice response and automated ticket software are being used by roughly two dozen law enforcement agencies around the state, including the Port St. Lucie Police Department, which is planning to purchase it after completing a pilot program. Virtual

Partner costs between \$99 and \$399 per vehicle, depending on the size of the force.

"It's a two-deal system," said Port St. Lucie police administrator Bill May. "Our officers use a laptop to check NCIC, to check tags, names and so forth. But when the answer comes back, it rings on the laptop and they actually have to look down and read the laptop." With Virtual Partner, however, officers can remain in their cars and hear the information while keeping an eye on the driver.

With Quick Ticket, officers can

swipe the magnetic side of a driver's license and get back multiple citations printed out in about two minutes, as opposed to the 10 to 15 minutes writing out one would take.

"Those two things get the guys back on the road much quicker," May told LEN. "The safety feature is the big issue for me. You get a lot more information before you're dealing with the person."

In Aventura, twice as many traffic tickets are being written out with Virtual Partner and Quick Ticket, Officer Nick Darpino told The Associated

Press. "If you get a hit on any kind of warrant, you can have another unit come by before you even go up there," he said. "You can increase your safety before even making contact." The software makes him feel safer, he said, on the overnight shift when it is difficult to see inside a vehicle.

"It makes it very simple for the deputy," said Capt. Mike Semec of the St. Johns County Sheriff's Office. "Once he types in a tag number he doesn't have to do any more. He can listen and keep his eye on the driver or the passengers," he told The AP.

Pepper spray device offers a "light with bite"

A new non-lethal weapon that delivers a "hallucinogenic stream" of burning pepper spray into the eyes of would-be assailants has piqued the interest of law enforcement.

Called "the light with a bite," the handgun-shaped Pepper Escort shines a spotlight on an attacker while shooting out pepper spray to a range of 20 feet. It also leaves an ultraviolet dye that glows purple in the dark so police can identify a perpetrator.

A beefed-up police model is being used by the New Mexico Association of Chiefs of Police and is being introduced to law enforcement agencies in San Diego, Houston and El Paso, Texas.

The Pepper Escort's inventor, Dan

McClarín of Alamogordo, N.M., first tested the device on himself. He told his daughter "spray me" and she did. While the effects were not lasting, it caused such searing pain, he said, that he could not move two feet in either direction. "So she took my arm and walked me to the water," he told The Associated Press.

McClarín's device was acclaimed as Invention of the Year in 2001 by the magazine *Inventors' Digest*. The Pepper Escort is a "superior self-defense item" compared to a handgun, said Rocky Scrimshire, one of McClarín's friends and business backers, because a victim would not hesitate to spray an assailant.

Although they have been coming to each other's aid for years, police in communities along the Rhode Island-Massachusetts border now want legal protection for doing so, as offered in a recent proposal by a Rhode Island lawmaker.

Last month, chiefs from both states showed up at hearings before the Senate Corporations Committee to support a measure by Senator Michael Damiani, a Democrat from East Providence, which would provide flexibility when a case took police across state lines.

"It assists our police officers and officers from Massachusetts, bordering communities, to do our job, [it] gives us the power and authority to do the job people expect and pay us to do," said Tiverton, R.I., Chief George Arruda, the president of the state's chiefs association, said in an interview with Law Enforcement News. "For instance, we have no authority if a vehicle leaves our jurisdiction into Massachusetts. We've had problems in the past when we've stopped that vehicle. It's been alleged we don't have any legal authority."

While the law does allow police to

cross state lines in hot pursuit, Arruda said the agency has run into trouble when they have pursued suspects into Fall River, Mass. "We've had cases thrown out because they'd say we didn't have the authority to stop a car. We're not looking to be policemen in Massachusetts, but we are looking for flexibility," he told legislators.

According to Damiani, his bill is virtually identical to one currently working its way through the Massachusetts Legislature. And he has been trying to get similar legislation brought before lawmakers in Connecticut.

The proposal would allow cities and towns in Rhode Island to enter into agreements with other municipalities across the border to provide mutual aid. William Guglietta of the Rhode Island

attorney general's office said police chiefs would work with his office to make sure deadly force policies are consistent, an issue raised by the ACLU during the hearings.

Chief Vito J. Scotti of Seekonk also dismissed concerns that communities would use the legislation to cut their own costs by relying on neighboring departments. "I can assure you I would not allow the statute to be abused in that way," he told lawmakers. "The intent is not to make this routine."

While no vote was taken by the committee, lawmakers voiced support in principle for the bill. Said Senator John Celona (D.-North Providence): "I agree, protections for our citizens and our police should not stop at state boundaries."

Shoot your mouth off. . .

The Forum section of Law Enforcement News (page 13 in this issue) is a place for readers to sound off on critical issues of the day, in commentaries and letters. For details on submissions, contact the editor at (212) 237-8442. E-mail: ien@jjoy.cuny.edu.

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Victim's alcohol use hurts sex-case verdicts

Juries see drinking as a credibility issue

The consumption of alcohol in the hours leading up to a sexual assault is so damaging to a victim's credibility that juries acquit defendants in such cases roughly 90 percent of the time, according to a joint study by researchers at Rutgers University and the University of New Hampshire.

The Alcohol & Rape Study, which was published in the February issue of the journal *Criminal Law Bulletin*, examined how juries decide those rape cases in which the defendant admits to a sexual act but claims it was consensual. Drinking by the victim, the study concluded, was the single most important influence on the verdict. It surpassed such evidentiary factors as whether the assailant had a weapon, injuries to the victim and the prior relationship between victim and attacker.

"Consent-defense cases often take the form of 'he said/she said' contests since not only is the victim's consent at issue, but so too her credibility," said the study. The conduct, intentions and culpability of the perpetrator, it said, are the exclusive focus of inquiry in most states, but in practice, the victim's "behavior, motives and blameworthiness" often take priority. In essence, it is easier to brand the victim a "liar" if her actions can be construed in any way as having led to the event, than to "assign the defendant an entirely new (and total) identity, 'convicted rapist.'"

Juries, the researchers said, sometimes fail to understand or simply ignore judicial instructions, applying civil law concepts such as contributory negligence or assumption of risk on the part of the victim. Also, there is a tendency to make sense of a bad situation and blame the victim.

"The law itself may encourage this attitude," said the study. "The law does not imply that arson victims need show they did not want to lose their property to fire; victims of robberies are rarely questioned as to whether they gave up their property without consent."

According to the study's lead author, Douglas Koski, a former prosecutor and public defender who now serves as project director to the Family Research Laboratory at the University of New Hampshire, jurors view drinking as a "credibility issue, which leads them to focus on the 'reasonable doubt' standard" given them. "Witnesses who drink, including the victim," he said, "are perceived as less believable than those who do not."

Another key finding is that alcohol is more closely associated with crimes of sexual violence than any other substance. Its use is present in 30 percent to 90 percent of all rape cases, with drinking by the victim present in 46 percent to 75 percent of incidents. Drinking by the defendant, however, does not have the same impact on juries as alcohol consumption by the victim.

Alcohol use also brings victims into proximity with drinking offenders and into "crime hot spots" such as bars and clubs, Koski told *USA Today*. Not only are women more likely to be sexually victimized while drinking, but they are less likely to be believed, he said. Forty-seven percent of female participants in the nine jury simulations conducted by researchers were either victims or knew someone who was. The experience of victims who drank did not match their own and thus those women were not considered "real" victims, said Koski.

According to the study, men became more compassionate toward victims and females less so.

In an interview with *The Milwaukee Sentinel-Journal*, Koski said he consistently found that the whether the parties were strangers or acquaintances made less than difference than one would think.

"Jurors seem, in fact, more likely to believe in 2002 that women might have consensual sex with a stranger — even in places such as the bathrooms of bars, or in cars or even on the street — than they would have 30 years ago," he said.

Dog sniff isn't enough for passenger drug search

Continued from Page 1

search of each individual passenger absent an arrest based on probable cause was improper."

Police Officer Bob Fleming, who heads the Steger, Ill., Police Department's canine unit and is president of the North American Police Work Dog Association, said the Maryland ruling limits law enforcement's ability to intercept drugs.

In a case last year involving 560 pounds of marijuana, a U.S. district judge in Tennessee overturned a magistrate's finding of probable cause because of a dog's alleged record of inaccuracy. Falco, a narcotics dog with the Knox County Sheriff's Department, had alerted officers to the odor of drugs in a motor home stopped for running a red light.

But the evidence, including a confession by the vehicle's operators, was suppressed by Judge Leon Jordan, who pointed to what he said was Falco's accuracy rate of less than 50 percent. Between 1998 and 2000, the dog alerted 225 times, but drugs were found in just 80 cases. Based on a 35.5 percent accuracy rate, said Jordan, the court could

not find "there was a fair probability that contraband or evidence of a crime."

But in an interview with *LEN*, Fleming said the court should have been looking at the dog's training record and not the street data. Often, he noted, a dog will make an unfounded alert, which is different from a false alert. In an unfounded alert, drugs may have been in the vehicle at one time but are no longer there, having been thrown out the window or consumed.

"Dogs are capable of detecting one part per billion or less," said Fleming. "We can't make an arrest because we don't have any evidence there. Calling this a false or incorrect alert, or saying the dog was inaccurate, is inaccurate in itself."

That is not to say that there aren't unreliable dogs or poorly trained handlers, he conceded, but those who understand the capabilities of dogs and how they are utilized are not losing faith in canines as a drug interdiction tool. "When you have a dog that can alert on such minute amounts and can hit on residue, that does not mean the dog is wrong, it just means nothing was found there."

With a career that began in Los Angeles in 1965, and along the way has witnessed such events as the Watts riots, the Manson murders, the Rodney King beating and ensuing riots, and the O.J. Simpson case — not to mention Olympic games, presidential nominating conventions and even a stint with the international police task force in Bosnia — one might think that Mark Kroeker had seen enough to be prepared for just about anything policing could throw at him. Still, it's arguable whether Kroeker, now the police chief of Portland, Ore., was ready for the hail of criticism aimed his way last fall for a principled decision to uphold the law.

Kroeker rejected a request from the U.S. Justice Department to assist in conducting interviews of foreign nationals in Oregon, as part of the broad anti-terrorism investigation launched in the wake of the Sept. 11 attacks. The decision was based on the belief that assisting in the inquiry as requested would violate state anti-discrimination law. Kroeker was reassured by federal officials that the interviews would be conducted even without the help of Portland police, and thus the investigation would go forth unimpeded. Still, that did not spare Kroeker and his department from condemnation by some who saw the decision as misplaced political correctness or, worse, a dereliction of duty in time of national emergency.

Such a view, Kroeker insists, is as unfair as it is uninformed. The 58-year-old chief points to the Portland Police Bureau's long-standing engagement in joint anti-terrorism efforts, including investigations of violent eco-terrorist groups centered in Oregon. As important, he notes, the Portland agency has a long tradition of being in the vanguard of anti-bias efforts.

Kroeker, a native Oregonian who became Portland's chief



in 1999, has weathered other storms in his relatively short tenure, including controversy of the police handling of a May Day riot in 2000, and the flap that erupted after a local alternative newspaper published anti-gay remarks he had made 10 years earlier while with the Los Angeles Police Department. He apologized for the remarks and reached out to Portland's gay and lesbian community — a predictable response, perhaps, given that community-

oriented policing and outreach underlie much of Kroeker's philosophy of policing. And as to the turbulence that sometimes seems to follow him, Kroeker cites a local proverb he learned while serving as deputy commander of the task force in Bosnia: "It's a good horse that kicks up a lot of dust."

Kroeker kicks up dust in ways that are sometimes obvious, sometimes subtle. As a bureau commander in Los Angeles he was typically ahead of the pack on pushing the envelope of community policing. Despite his successes, he was twice passed over for appointment as the city's police chief, rejections that ultimately fueled his decision to retire after 32 years there. In Portland, he has helped keep the police bureau out in front of the national debate over racial profiling. Under his leadership, the agency has infused its Web site with such unusual features as a link to the department's entire policy manual and a page offering advice to citizens on what to do when stopped by a police officer. Less noticeably, Kroeker has maintained an ongoing involvement in an organization called the World Children's Transplant Fund, which he founded to help youngsters all over the world to obtain desperately needed organ transplants. (For information, see the fund's Web site, www.wctf.org.)

The son of Mennonite missionaries who is unabashed about being a "cop for Christ," Kroeker originally set out to pursue a career in music education and composition, coupled with some form of missionary service. But with grades that he described as "deplorable," and a penchant for conduct that was "a little bit irresponsible," he found himself asked to leave the university he was attending. At a crossroads, and with the encouragement of the woman who would become his wife, Diane, he began to think seriously about a career in policing, which he realized bore a strong similarity to missionary work — namely, the focus on service. As he says of policing: "It's ministry work in its own way."

A LEN interview with

Police Chief Mark A. Kroeker of Portland, Ore.

"The principles of community policing hold true in any city. It's the application of them in different environments that makes the big difference. The Los Angeles psyche is different from the Portland one. Angelenos respect panache, and Portlanders respect process."

LAW ENFORCEMENT NEWS: In recent months, we've spoken to numerous people who contend that law enforcement as we've known it has been fundamentally changed since Sept. 11. Would you agree with that assessment?

KROEKER: Well, I agree with it and I don't. Yes, law enforcement has changed because we have added to our list of problems the unthinkable specter of terrorism in a dimension that we have never yet experienced. But crime isn't going away, the gangs haven't stopped their activities, drug dealing continues on our streets. It's not like we can say, okay, let's go completely tactical now. We have ongoing problems we have to deal with. But it strikes me that on both sides — the new terrorist threat, and the older crime-reduction and fear problems that exist in the city — the response is the same. In other words: community policing, now more than ever.

LEN: We've found a sharp split of opinion on the continued desirability and even viability of community policing, with some chiefs saying that there is no better time than the present to kill off an unwanted community policing program....

KROEKER: Now more than ever, the continuing problem in neighborhoods will continue to be best addressed by a synergy with police and community, even as we add this new question of the possibility of a terrorist threat. I mean, the very first word in homeland security is "home." Homes are what make up neighborhoods, and that's where they meet on that relationship with police officers, who are there to inform them, stimulate them and

work with them in identifying and solving problems.

We can't let the terrorists divide the police and the community. We can't go off into a "we'll give you what you need to know" kind of mode, or what I've heard called "terrorist-oriented policing." People living in an enhanced state of fear need to be with their police, and we need to tell them everything we can. It's a delicate point, how much in the way of intelligence information you can give to the public, but the fact of the matter is, people in neighborhoods need to meet with the police and be informed and go ahead in the classic form of community policing.

Right of refusal

LEN: Just before last Thanksgiving, the Portland Police Bureau sparked national headlines and controversy by refusing to assist in an effort by the Justice Department to track down and interview Middle Eastern and Muslim men in this country as part of the larger post-9/11 anti-terrorist campaign. What was the reasoning behind that stand?

KROEKER: Oregon law has two statutes, one of which has to do with information on people and their movements and their participation in groups. The other is a law that says you as a law enforcement officer are not allowed to participate with the federal government on immigration issues. Our city attorney advised us that those two statutes and the questions that were to be asked of the visitors were in conflict. He had defended our organization on prior domestic terrorism issues on this very point, and he carefully guided us through a series of court challenges and

advised us that we'd better not participate on that basis. So with great respect for the objectives, and reluctantly, because we wanted to do our part, we decided not to participate.

Now, I should hasten to add — and I've made this point in numerous national media interviews — that there was not, and is not, one inch of space between our federal partners and the Portland Police Bureau in this anti-terrorism era that we are in. The Portland Police Bureau has more people on the joint terrorism task force than any other Oregon police agency, working with the federal government, and more per capita than any other police agency, and so we are working very hard on joint terrorism things. When we discussed this with our local U.S. attorney, we both agreed that other agents and other agencies could do this, and it certainly isn't going to impede the government's activities by Portland not participating. Unfortunately, though, it took on a life of its own, with the impression being cast by some news sources that we were less than cooperative, and that was very far from the truth.

LEN: The task was accomplished even without the assistance of the Portland police, but that still has not tempered the negative reaction of many people to the decision you made. Since then, what have been the repercussions of the decision?

KROEKER: Our own people in the organization had big questions about this, and I took great pains to explain to them at length the rationale behind it. At this point I think they understand it. Similarly, I responded to every news interview question

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"No U.S. attorney and no FBI agent ever said a bad word about us; it was those who didn't understand and who had conjured up some demon of un-Americanism that they placed on us."

Continued from Page 9

about it, both locally and nationally; I've never done more news that I can recall on a national basis. In addition, I solidified and reaffirmed the good working relationship that we have with all of our partners. Our local U.S. attorney reflected several times that he totally respected our position and understood that the work was going to get done, and that nothing would impede the hard work that is going on with the joint terrorism task force. In fact, that task force is now working on several active terrorist investigations, both domestic and international, and a good number of our police officers are working hard. So we're past that hump of misperceptions by our detractors, and over time I think people are going to understand the position that we took.

LEN: Was the initial reaction, then, more a heat-of-the-moment thing? After all, words like "shame" and "disgrace" were being freely tossed about....

KROEKER: I think most of it was misunderstanding, which was excited and enhanced by the post-Sept. 11 fog in the throat that we all had about that event. I understood it, but stood on the ground of what I felt was solid and proper. We have a long-range need to deal with terrorism in our state. You know, we've got eco-terrorists and animal rights terrorists. Oregon is a state of amazing ideological extremists who take their stuff to the streets, and we need to be equipped to deal with them. We've made substantial inroads to domestic terrorist organizations, and we don't want to damage our work. At the very height of our hard work on slamming the door on some of our criminal terrorists, we've been accused of virtually harboring terrorists. It was difficult to live with that perception, but I guess it was necessary. No U.S. attorney and no FBI agent ever said a bad word about us; it was those who didn't understand and who had conjured up some demon of un-Americanism that they placed on us.

LEN: What about any repercussions in the wider professional community? What kind of feedback did you get from your police chief colleagues?

KROEKER: I had several interesting and very supportive conversations with other chiefs in large metropolitan areas — one who called me specifically to tell me, "Don't let it get you down; I understand what you're doing." Another one said on a national news program that he understood what we were going through and that police agencies deal with this when it comes to the collection of information. It's something we've all struggled with in the aftermath of the Watergate and police-spying era that brought on all this legislation that now may be a little bit excessive but we still have to work with. But I have got nothing but supportive and helpful comments from other law enforcement chief executives.

Making do

LEN: Given the expansion of police responsibilities in recent months, how is the Portland Police Bureau faring, given that you're currently about 70 officers or so below authorized strength?

KROEKER: Well, here's the picture. We have been hit with two years of budget cuts. Last year in the budget we lost nine police officer positions, out of about 1,000 authorized — that's nine officers that we had not hired. What that also did was take the salary savings away from us that we could have spent on other things like overtime. This year it looks like we're losing the salary savings from an additional four officers, and an additional four civilian positions. So at the very time that we're having these additional struggles, money is being taken away from our budget. So I have said, 'Enough of being Mr. Nice-Guy; I've got to fight for the police budget.'

We've had to drop other things. For example, we had taken motorcycle officers and given them certain responsibilities as part of program I started called Strategic and Focused Enforcement, or SAFE, where they were really enforcing the traffic laws at those locations that had the most collisions. Now, they are not issuing the citations that they should since they've been pulled out of those assignments and put into guarding the bridges around Portland. The spin-off is that while we deal with potential terrorist threats, we take resources away from the ongoing criminal and traffic threat, and the taxpayer suffers.

LEN: In the fall of 1999, when you were hired as chief, did you have any idea that such a budget mess was lurking just around the corner?

KROEKER: I really didn't. I thought that things would be fairly stable and we were going to be okay for a few years. What was

deep in my heart was to make things better, and to take community policing here in Portland to the next level.

Tough medicine

LEN: As a way of dealing with the department's staffing problems, early last year you took the radical step of rolling back the four-year educational standard for recruits....

KROEKER: When we left the four-year degree requirement behind, we did that with a great deal of regret. I like the idea of the four-year degree for this profession. It's the kind of thing you struggle for in making an occupation into a profession — an academic component. But the realities of hiring were that we were going to regress and not move forward with recruitment, so we opened up the door to a lateral two years, and our applicant pool shot up. And then when we went to the two-year degree, it shot up again. Now our biggest problem is moving forward rapidly to conclude the background investigations because we have more than enough candidates.

So despite the retirement exodus that we expect here in the spring, we are likely to close in and move to authorized strength before summer. That's very encouraging to me. In addition, we are gaining diversity. We are under-represented here in Portland in African-American and Latino and women candidates, and since we made the change last year, suddenly our diversity picture has changed rapidly, with good quality people who are coming to us now in much larger numbers. So I'm pleased with what has happened there.

LEN: Since the economy in general has been in a bit of a slump

"Community policing could rightfully be called communications policing, because it depends so heavily upon it — within the organization and with the community."

of late, in some cases making the private sector less than a secure place to work, could this accrue to law enforcement's benefit when it comes to hiring?

KROEKER: I can only speculate because I don't have anything empirical to go by, but I do think that the glut of positions at the \$50-, \$60-, \$70-, \$80,000 range has passed. As a result, a person who is oriented toward policing, but was maybe distracted by the higher salaries, might be rethinking and staying with the original attraction. Add that to what had happened Sept. 11, and a sense of patriotism and service is there — the idea that I want to do my part. As my daughter put it when she became a police officer five years ago, "I can't think of any better way to help people than when they need you the most."

LEN: How do you see the change in the standards affecting the police bureau qualitatively? Beyond that, are steps being taken to encourage higher education once recruits are on the job?

KROEKER: We do have a system here to reimburse a certain amount of their tuition, and to encourage them to complete their education if it's not completed. Secondly, in our promotional opportunities, as we review people, we're looking for people who have continued in their education. There is a value to education, and we're not moving away from that. It helps a person to think clearly and to question the world around them and to communicate a little more effectively, and that's what we're looking for in our supervisory levels. So we do encourage people and allow for them to expand their education once they come on the job if they don't have a two-year degree. We are still getting a fair number of four-year degree people. In a qualitative sense, what we're finding is that with the candidates we are getting, we gave up a little bit of the academic level and in its place we have gotten life-experience and good judgment. That's a high value as far as I'm concerned. To say that someone with a four-year degree has more compassion than someone who has a two-year degree is improper, I think. And to say that someone with a college degree is more devoted to policing is also improper. I don't see that it makes them any more of a person who has a conceptual understanding of the community policing model.

LEN: Early last year you created a private police foundation for Portland. Was one of its goals to support educational incentives for officers?

KROEKER: Yes, but not on the standard career education track. One of its flagship programs is a Spanish language and Mexican culture program. The idea there goes without saying. Every city,

including Portland has a growing Hispanic population. Many of our come from Mexico, so the Spanish language and the understanding of Mexican culture are very important to us. It includes a total immersion program where we're going to take police officers and actually send them to live in homes with Mexican families in Mexico.

Fine-tuning

LEN: You were ahead of the pack back in 1991 when you started the community policing effort with the LAPD's Valley Bureau, soon after the Rodney King beating incident. Needless to say, over 10 years the police landscape in Southern California and nationwide has changed considerably. How has your perspective on community policing changed over the same period?

KROEKER: There are a couple of little components that I've added to my perspective on community policing, but the fundamental legs remain there. Those legs that are the constants include: a neighborhood focus, a problem-solving strategy, a community orientation, listening to our communities in whatever way we can, and then mobilizing community energies. Those remain as principles with me; everything revolves around that. But what has happened in the last decade has been an advance of technology, and in applying technology in community policing. I don't think we necessarily need to have technology separate police from communities, but what we can do is work within the flow of technological developments. We need to understand that people are increasingly part of what Alvin Toffler called the "electronic cottage." Look at the large number of them that are connected to the Internet, and consider that we are going to touch

them electronically as well as in person. Our work can be both high tech and high touch.

LEN: In a recent visit to the Portland police Web site we were struck by the amount of information you provide to the community, from contact phone numbers to internal documentation. Certainly we can't recall ever seeing a police department's entire policy manual online before....

KROEKER: If there's a report, even one that's critical of our operations, we'll put it out there so that people can look at it. It's a form of self-criticism to help us get better.

As for the policy manual, I think it's an essential ingredient in police accountability that our employees have at their disposal a very clear and concise set of policies. We've distributed our Manual of Policy and Procedures to every member of the organization. It's a \$6,000 item, but it's worth it, in my view. It's the size of a little law book, it's paperback, it's very accessible, nicely indexed and so forth. And so it's good for our people to have that. But it's also good for our community to have access to it so that they know what's the policy, what do they tell their officers on this. They can look it up.

LEN: It's not been on the Web for very long, but have you noticed any benefits or drawbacks to posting that information?

KROEKER: I have. In public discussion, people used to say, "What is your policy on this?" and I would say, "This is our policy." Now they will start it now with, "You know, I was noticing as I looked at the Web, that your policy is this." That's a really good place to start.

The price of outreach

LEN: Over the years, you've been praised for your community relations abilities, yet at the same time often pilloried for what some people see as self-promoting public relations. How do you create an effective blend of community outreach and media-relations savvy to achieve department goals?

KROEKER: Therein lies the rub, because it's a fact that community policing could be rightfully called communications policing, because it depends so heavily upon it. And the communication that goes on is within the organization, but also with the community. And the communication medium that has the best and most direct access to people is news, principally television and now Web access. It is a risk that you take as a police chief — or even a deputy chief, as I was in Los Angeles — to have that

Interview: Portland's Mark Kroeker

assertion made about you trying to connect with your community through being accessible to the news media and creating a media strategy to communicate that message. You know, you can go down the street with a bulhorn and say, "Come out of your homes, we want to meet with you." Or, you can have a news conference and announce this project that invites people to come and be with us at some location. You have a few of those news conferences and people will say, "Whoa, he's a little news-conference prone." Well, if that's the cost, I'll pay it. I've stretched the communication margins wherever I could. I've learned that there's a lot that can be done if you think that communication is necessary in community policing.

LEN: What kind of latitude do you give to your subordinate commanders in terms of media outreach?

KROEKER: I encourage them. I think it's great. It puts a face on our leadership.

LEN: So a commander knows that he or she will not be taken to the woodshed just for answering a couple of questions....

KROEKER: Absolutely. In fact, it's the reverse. I've been trying to get my people, when they've got something, to call reporters and talk to them. And when officers have done something good, make 'em talk to the news media. It's hard, a real culture change. They'd rather face a bank bandit than a news reporter.

LEN: In terms of the department's relations with specific segments of the Portland community, are there groups that you see as tougher than others to build bridges to?

KROEKER: There's constantly a need for dialogue, for understanding, for meeting, for being and remaining accessible, and the moments change a little bit. Certainly with the terrorist incident of Sept. 11, our Muslim community and Middle Eastern people of all religions got concerned. We did a lot of meeting with them and those communities. But I don't see any big glaring weakness in the relationship between the police or myself and these communities at present. We've got work to do everywhere, but we're fairly good right now.

Lightning rod

LEN: Not long ago a local newspaper attacked you over some unflattering — some might say inflammatory — remarks of yours that it had apparently dug up. Although you managed to defuse the controversy that briefly flared, does the fact that you have occasionally been a lightning rod regarding your views ever complicate the bureau's task in the area of community relations?

KROEKER: Well, it did about a year ago when that issue that you've read about emerged over the tapes that were downloaded from the Web. The tapes were from talks that I made at a private Christian conference more than a decade ago, and my remarks were taken out of context and misplaced. I never actually discussed any of the content. I just said: "Look, judge me on my work at work, judge me on my treatment of individuals. It's not my position, either personally, professionally or religiously, to judge anyone. I don't judge anyone. We serve everyone and here's where I stand. And I'm not discussing my faith. I won't do that." That's basically a summary of it. On the other hand, when people wanted to meet, I met. When they had questions, I answered them to the best of my ability in countless forums at that time. It's taken a year now, but I think I can say not too modestly that things are in pretty good shape as far as the dialogue between myself and the gay and lesbian community.

LEN: At the time you were hired, you were the first outsider chief in about 25 years. Did the fact that you came from another agency, and specifically from the LAPD, add any additional hurdles that had to be overcome, or tensions that had to be dealt with?

KROEKER: There's no question that people have their predispositions — about California, about Los Angeles, even about people of a certain faith — and communicating through those in a professional context has taken me these two years, and it has consumed a considerable amount of energy, being from the outside. Someone put it to me that when people come to Oregon from the outside, they can expect to weather a storm here; you have to get past the storm, and then you kind of make your probation. Then you settle in and you're an Oregonian and you start looking at other people like they're from the outside.

LEN: As you've suggested, you've frequently taken some flak over religious issues. Do you think that fundamentalist Christians are measured against a different yardstick? After all, the recent ranks of American police chiefs have included plenty of devout

Baptists, observant Jews, pious Catholics and members of numerous other denominations. For those police chiefs, their faith is usually a non-issue....

KROEKER: I don't really have an answer for that. I think part of it is that until they know you, they have a bias, if you will, a predisposition about those people quote-unquote, who are of that faith. And every time you say "those people," what that means is stereotyping. People may think they know what other people believe, but chances are when all of it comes out, they don't quite really know.

Off duty, I can speak, teach and worship as anyone else can; it's my right. But officially it's not fair to the public for anyone in this organization to subject them to anything but official police service, and I insist that we not do that. The key word here is "service." I saw that word in my mother and dad, and if I picked up a little bit of what they did, it would be service. And compassion goes along with it. You care about people, and so you serve them. Those are cornerstones of community policing.

LEN: Going back to community relations for a moment, there appear quite a few activist community groups in Portland. Are some more harshly or unduly critical of the police than others?



KROEKER: Well, yes. There's a substantial activist community in Portland, and there are some that have, let's say, repeating themes. The theme that they keep coming back to is police accountability....

Point well taken

LEN: Do you feel that there's more that the police bureau could do in the way of public accountability or are these activists just beating an tired old drum?

KROEKER: No, I think in many cases they actually have a good point. I've said this to them. I believe in many ways we have similar goals. It's just the manner in which to get there that we would argue about. Let's be honest. We're an agency of human beings, and we are not perfect. We've got a ways to go. But consider the steps that we have taken in the past couple of years: increasing the availability of policies in the hands of everyone, as we talked about; widening our recruitment base to get good people; creating an inspection and control unit where one did not exist before; participating in the dialogue and establishing the Independent Police Review Division, which is under the City Auditor, and participating in supporting that initiative. These are some of the steps that I believe are the road to accountability. Some people in the community agree with me, but others think that unless we have a civilian review board with full firing authority, we will never have police accountability.

LEN: The Portland Police Bureau has been well out front when it comes to conducting diversity training for its officers to sensitize them to the needs of sexual minorities. Is that training module still in place?

KROEKER: Yes, in fact, we added a component of transgender understanding. It's somewhat controversial to some, but we believe it's helpful to understand this segment of the community — their perspectives and their lives, the concerns they have and the pains and joys they experience. We should know and understand that from their perspective. The training is done by transgendered people, who come to the classroom and present a curriculum and a lesson plan that they have developed.

LEN: How do you assess the impact of the training, either in tangible or intangible terms?

KROEKER: In a gut sense, I think most officers have the

reaction, "Well, I didn't really understand, but now I do." That's helpful as we deal with people. Every single segment of society out there is part of a customer base, and we serve everyone. And when you serve people, it helps to know the customer. The reviews that have come in from the course critiques have been generally favorable, and it was good to hear that.

Data and dialogue

LEN: A troubling minority-relations issue for police in the past few years has been that of racial profiling, and once again the Portland Police Bureau has been in the vanguard on this issue. Earlier last year a blue ribbon panel issued its report and recommendations on the subject. What progress is being made in implementing those recommendations?

KROEKER: That blue-ribbon panel is an initiative that I put together. We met over a period of time, and interestingly enough, one of the areas where we spent the most time was in the definition of racial profiling. It focuses on race as the sole factor in stopping someone.

We got the recommendations that you have there in the report, and then started collecting the data on stops, but if I had it to do over again, I would do a couple of things differently. I would

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have waited to release any data until we were collecting it citywide. Our first go at collecting data excluded our Traffic Division, our motor officers. The money was not there for that, and the result was that we captured data that was not complete. We missed out on hundreds of thousands of traffic stops in Portland by the Traffic Division. Then we went ahead and released the data. The analysis that we did, we provided on the basis of residential population. Well, the PERF study on this recommends that you not focus on residential population, that it is in fact a weak comparison and not very valid. Lo and behold, when the information appeared in The Oregonian, the headline said African-Americans have a much greater chance of being stopped than any others in Portland. But that's simply not true. While it was pointed out later on the story that our collection was incomplete and that our analysis wasn't in, still, for the casual reader who, in the age of the half-read page, doesn't slide down there to the details, the conclusion was out there in the headline. To a lot of people, the simple over-representation of African-Americans in your stop base means racial profiling. In other words, the indictment is complete.

So if I had it to do over again, I would have waited until I had all the data; I would have waited till I had a good social scientist come to analyze the data; and then release it with a full array of analytic work. That would have been a lot healthier. Nevertheless, there are some chiefs who say to me, it's not about the data — it's about dialogue. And in many ways they're right. Our dialogue throughout this has been very, very helpful in the city.

LEN: We've noticed that the Portland police Web site includes a page offering advice for the average citizen on what to do when you're stopped by a police officer — an unusual feature, to be sure. What prompted you to post that information online?

KROEKER: That came from the blue-ribbon panel, and members of the panel who represented the Consul General of Mexico volunteered to translate that into Spanish. So now we have a very nice brochure reflecting on basically the rights of the officers and the rights of people, and what to expect and why officers do what they do, to try and reduce the misinterpretations that are out there. The idea, again, is that if we can explain why the officers do what they do, chances are we'll have less of a misperception about racial profiling in the community.

LEN: In October, you rolled out a new 4-by-10 work schedule, which has apparently been sought by the rank and file for some

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"Becoming a chief of police puts you in a totally different domain. But I can tell you that while it's been sometimes nerve-wracking and the kind of thing that wakes you up in the middle of the night, it's been profoundly fulfilling."

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time. Are you seeing any wrinkles yet that need to be ironed out?

KROEKER: Well, there were some concerns. Is overtime going to spike? Would there be an adequate numbers of cars? So far, I have not heard of any major problems. There was also a concern about community policing: Are we helping or hurting? All these concerns were put to a task force that I assembled to really look at the notion of a three-shift, 4-by-10 configuration and make recommendations for implementation. I said to them, "I'm inclined to do this; let me hear your suggestions on how best to go ahead, and whether there are any problems." This task force made a report that said, "no big show-stoppers, but these are some concerns." I believe those concerns will be not as serious as some people have thought. One of the big ones was whether response time to emergency calls for service will go up or down. This is pretty important. If we're serving our community well, we need to serve them rapidly and when they need us, so we're watching that very carefully. I have not seen any spike in response time, and we have adjusted our shifts so that they overlap in the peak call times.

What I hope to see come out of this, more than anything, is morale. I feel that as a leader I am responsible, as are all leaders in the organization, for developing a solid spirit of wanting to come to work. We have a work force in Portland that for 10 years has been working very, very hard on developing all these components of community policing, and every now and then we need to do something purely for them if we can. There's no big operational necessity to do it, but it is something that I think can enhance morale — and as a result of that, productivity. And with our recruitment problem, when so many other agencies are in a compressed work schedule, it's absurd for us not to be. So it's a recruitment and retention incentive. I'm hoping that some people who think about moving out will now decide to stick around.

Life at the top

LEN: Your last command in the LAPD, the Valley Bureau, was bigger by far than the entire Portland Police Bureau. Even though you're now commanding a smaller police force and serving a smaller client population, how does it feel to finally be at the very top?

KROEKER: Say what you might about the size of the command, the number of officers and all that, becoming a chief of police puts you in a totally different domain. You have the budget that you struggle with. You have the issue of being the guy that will either praise or criticize. You have the accountability directly to the elected appointing authority. You have no buffering, no insulation, as it were; you're the guy. So when you make decisions about personnel, on discipline items, on the tactical side

as we've been making lately, and you come to that lonely moment, it's yours for the taking and it's yours for the losing. So there is a big difference, and I have experienced it. But I can tell you that while it's been sometimes nerve-wracking and the kind of thing that wakes you up in the middle of the night, it's been profoundly fulfilling.

LEN: Is it also a bit humbling, in a sense?

KROEKER: It is, because, you know, you can take a certain amount of self-image and self-confidence in the experience you have, and when people look to you, what do we do now, chief? — Here's what we're going to do. You seek counsel among those that you work with, and those in the community that you look to for input. You make that decision, and it humbles you. Not every decision is good; you can't bat a thousand, you know? So you go back and you think, that was a dumb move. And then you realize that life as a chief of police is like the life of a batter — you're

warmed and encouraged and they participate. In Portland, if you move out before seeking advice and input, you are disrespecting them, and you're going to be cul-de-sac'ed.

What I've learned is that when there's an idea floating around in my head, rather than standing up and saying, "Let's go, here's what we're going to do," I go out and I say, "I've been thinking about this." I say that about 100 times, and I hear one group say it sounds pretty good, and I hear another group say they're not sure that they like it. Then I spend a lot of time with those people who say the latter, and I form some advisory input. Then we talk about it some more, we put it in writing for a second and third draft, and then we meet some more. We get around to it the long way, but the good that I've discovered in Portland, is that once you get through it in that way, the institutionalizing of it becomes very deep. It's owned now by a wide range of people, and therefore it works better. And that's been a little bit of a shift. Now admittedly that's an oversimplified observation, because in any environment people like to be consulted, and I'm just

"To improve things by a measurable degree greater than people might have thought doable, that's the stuff of accomplishment and leadership. I believe in aiming high."

going to strike out sometimes, and you're going to get some base hits every now and then. Not everybody has the opportunity to hit a grand slam.

LEN: Your long experience in L.A. covered a period of considerable growth, upheaval and change in American policing and in the city of Los Angeles, from the Watts riots to the Rodney King and O.J. Simpson period. With that as context, how would you assess the transferability of your LAPD experience to Portland. Are there lessons you learned there that have been particularly helpful in Portland or, conversely, are there ideas about policing that you had to rethink or discard when you moved north?

KROEKER: The Watts riots were in August of '65, and I had come on in April, so I was just a rookie. Through the 60s, 70s, 80s and 90s, I had the opportunity to live in a major metropolitan city and raise my children and kind of mature myself along with the shifts in the world and its technology and what came of all of that. I'm convinced that the principles of community policing hold true in any city. However, it's the application of them in different environment that makes the big difference. The Los Angeles psyche is different from the Portland one. Angelenos respect panache, and Portlanders respect process. In L.A., you just launch out and if you seek advice and input, people are

stretching the outer edges of that, I think, especially as Chief of Police. I mean, it's an organizational adaptation that you're making, and so you better seek counsel and you better seek input.

LEN: About a year ago, at the time of your first anniversary as chief, The Oregonian ran an article in which the author presented a report card, if you will, on your performance in office, and raised the question of whether your goals were "too lofty." Number one, it seemed like a pretty presumptuous thing to ask after you had only been on the job for a year. And at the same time, it seems to beg the question: As long as your goals are realistic, what's wrong with them being lofty?

KROEKER: (laughs) I am convinced that achievements in life are not made by setting ordinary goals. I've tried my best — and I say this, I hope, modestly — to set goals that are higher than where I actually believe I'll get. I'm going to try my best to get there, and still be happy with results that come up a bit short. You want to pull back from foolhardy goals — you know: "We're going to end poverty in our time and make this a crime-free society." Well, lots of luck. But to improve things by a measurable degree greater than people might have thought doable, that's the stuff of accomplishment and leadership. So I do believe in aiming high.

Shifting the shifts:

Albuquerque chips away at mountain of overtime

In an effort to chip away at the police department's \$4-million overtime bill, Albuquerque, N.M., Police Chief Gil Gallegos has planned a number of changes in coming months, including a four-shift work day and a revamping of the system by which officers meet with defense attorneys for pretrial interviews.

Shifts beginning this month will start at 6 a.m., 2 p.m. and 10 p.m., with an additional shift at 5 p.m. The redeployment will increase the number of patrol officers on the street by about 30 at a time, as rookies now in field training with veterans head out on their own.

While the numerous, staggered shifts favored by former chief Jerry Galvin was designed to put more officers on the street at peak times, the downside was that officers often missed seeing their supervisors. The improved communication that the four-shift system will promote will make for better police work, said Lieut. Larry Sonntag.

Incoming shifts, he said, will begin two hours prior to the end of the previous shift. Within that overlap, police should be able to speak with supervi-

sors and handle court hearings rather than conducting such business before or after their regular work day.

"Officers get tired of taking... their off-duty time to go to court," Sonntag told The Albuquerque Journal. The new shift system is "better for the officers and it's certainly better for the overtime budget."

But another modification aimed at cutting overtime costs has Bernalillo County's top public defender crying foul.

Beginning April 1, the department will no longer send its officers to meet with defense lawyers in DWI and domestic violence cases. Instead, the lawyers will be required to come to police stations or call while the officers are on duty. The new policy is expected to lop \$250,000 to \$400,000 a year off of the agency's Metropolitan Court overtime costs.

No fair, said Ralph Odenwald, head of the county's office of the state Public Defender Department, who insisted that phone interviews may be inadequate in some cases. Moreover, there could be problems in trying to track

down police officers. Such changes could be challenged in individual drunken driving and battering cases if judges decide the department is not providing reasonable access.

Although pretrial interviews may be only a few minutes long, off-duty officers can bill for up to two hours. Many police claim that the interviews are set up in the hopes that an officer will not show up, giving attorneys grounds to have the case dismissed.

Capt. Paul Chavez recalled a pre-trial interview in a DWI case two years ago where the defense investigator merely asked him whether the ticket was his and whether everything on it was correct. "Had I been a graveyard shift officer, that 30-second interview would have got me 75 bucks," he said.

An estimated 22,000 pretrial interviews took place in 2001, Chavez told The Journal.

The department, he added, is preparing a "special order" that would require an officer to do all of the work for a DWI arrest. Presently, some officers' state certifications to do breath-alcohol tests have lapsed, which means

another officer must be called out to the scene to handle the breath test and take the suspect to jail. There is more potential for both overtime and for a dismissal if one officer does not show up for trial, said Chavez.

Another reorganization of the department will involve its homicide and robbery units, which will once again have their home base at downtown police headquarters. Under a plan to keep detectives closest to the neighborhoods where crimes occurred, Galvin had stationed investigators at the substations which anchor each of the city's five area commands.

"I think when you re-centralize units

and the field positions you're going to have... a better dissemination of information regarding criminals that are in different beats," said Officer Jeff Remington, vice president of the city's police officers association.

Gallegos also plans to create a burglary team and IMPACT teams which will focus on problem areas in each part of Albuquerque. Each team will have about six investigators. At present, the department's violent crimes team has just eight homicide detectives and eight robbery detectives.

Moreover, new cadets will increase the number of officers on the street from 419 in 2001 to 450 this year.

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Forst:

Policing in the era of terrorism

By Brian Forst

A popular sport among policing scholars is to identify and contemplate the significance of the various epochs of policing in the United States, and quibble over the dates. According to the usual discourse, we went from the 19th century Era of Inept and Corrupt Policing under the authority of ward bosses to the Progressive/Reform Era in the early part of the 20th century, then to the Professional Era in the mid-20th century and the Era of Community Policing at the end of the century. My standard classroom sermon has been that the Professional Era actually metamorphosed into the Era of Privatization during the 1970s and '80s before Community Policing resurrected public policing. My new sermon is that on Sept. 11, 2001, we abruptly entered the Era of Terrorism.

Policing is suddenly different, markedly so, and we can be sure that it will remain substantially changed for the rest of our lives. The issues that occupied center stage prior to the terrorist attacks — community policing, drug policy and the decline in crime — have largely receded into the background. Police throughout the country, in cities, suburbs and even rural areas, have become preoccupied with the overwhelming twin burdens of finding terrorists in our midst and protecting a limitless array of vulnerable targets against subsequent attacks. Much of the time previously devoted to building metaphorical bridges to the community is now being spent protecting real ones from destruction. The decline in crime had pretty much bottomed out anyway, as the baby boom echo started to reverberate, and the more than 3,000 homicides that occurred on one day in September brought the decline to a cataclysmic end. Growing unrest in the Middle East, with no end in sight, only dims the prospects for a return to normalcy here at home.

What are likely to be the longer term implications, and the defining characteristics, of this new era of policing? Two prospective shifts stand out from all the rest: stresses associated with the unprecedented new demands that overlay the old ones, and the realignment of authority among law

enforcement agencies and prospect of a stark change in the traditional autonomy of local police.

New Demands of the Terrorist Era

This war on terrorism is an extremely costly business for policing. It requires additional funding, and is diverting scarce resources from conventional policing activities. Funding for dramatic growth in federal law enforcement resources is already coming forth, thanks in large part to the guaranteed return to deficit spending. Federal funding for homeland security has been set at about \$40 billion, to help pay for cleanup efforts, strengthen the Customs Service and other agen-

have jurisdiction over all these sites, too. Those National Guard officers one now sees at airports around the country are paid for primarily out of state budgets.

Jim Fyfe wrote a compelling essay in The Los Angeles Times on the implications of diverting resources from servicing conventional demands on policing to protecting prime targets against terrorism. In it, he noted that the impacts vary substantially from place to place. New York City bore the brunt of the attack, and has risen to the cause, but the costs there are astronomical and they have only begun to be tallied. The NYPD recently created an office of deputy commissioner for intelligence to investigate terrorism. Crime rates there

rise. Newer technology now affords foreigners the ability to easily learn about weapons of mass destruction in ways that were previously unimaginable, and to migrate inside our borders to deliver them.

So now we must ask the tough questions: How do de facto acts of war on U.S. soil change things for policing? What are the full implications of police becoming more involved in functions traditionally handled by the military? Should we move the line that has clearly separated the police and the military in the U.S.? Do the demands of terrorism warrant a loss of independence among the many thousands of independent police departments in the U.S.? Does our use of war metaphors for domestic matters — first wars on crime and drugs, and now the President declaring war on terrorism — confuse matters?

A major reordering of responsibilities and redeployment of resources has already occurred. Federal, state and local law enforcement efforts have been shifted to the detection and prevention of terrorism. The Coast Guard has redeployed resources from offshore interdiction of drug traffickers to the investigation and protection of the U.S. coastline against access by terrorists at ports and other access points from Maine to Texas and California to Washington, Alaska and Hawaii. The federal law enforcement training centers in Georgia, New Mexico and South Carolina have scheduled an unprecedented increase of nearly 50 percent in student loads from 2001 to 2002 (*Wall Street Journal*).

It is difficult enough to coordinate activities among federal law enforcement agencies. We have about 50 distinct federal law enforcement agencies, several of which are at the heart of our domestic defense against terrorism, including the FBI, Secret Service, Immigration and Naturalization Service, Customs Service, Postal Inspection Service, Bureau of Alcohol, Tobacco and Firearms, U.S. Park Police, the Diplomatic Security Service in the State Department, the office of inspector general at a host of federal agencies, and the Internal Revenue Service. The abuse of intelligence that scandalized the IRS in the 1990s has restricted the sharing of its data with other federal agencies; the INS cannot easily gain access to Census Bureau data; and so on. Homeland Security Director Tom Ridge must deal not only with these longstanding intramural battles, but must somehow find a way to coordinate federal and local law enforcement efforts.

The initial signs of cooperation and orderly realignment are not promising. As Jennifer Nislow reported in these pages: "Although the investigation into the terrorist attacks on America has led federal agents into many of the nation's small and medium-sized cities over the past few weeks, angry police chiefs say little if any information gathered from the ongoing probe has been shared with local authorities." She notes that chiefs see beneath the façade of unity an FBI that is "as close-mouthed with local police as ever."

Some of this is inevitable. Federal authorities become understandably wary of sharing sensitive information when it results in the kind of backtracking and embarrassment that followed California Gov. Gray Davis's Nov. 6 announcement that the Golden Gate Bridge was one of several

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"Policing is suddenly different, markedly so, and we can be sure that it will remain substantially changed for the rest of our lives."

cies that patrol our borders, provide additional security at airports and high-volume transit points, protect the mails, and help federal and local authorities prevent bio-terrorist attacks. Additional needs for expanded homeland security are huge, and are already getting bogged down in partisan fights over pork-barrel spending in an anti-terrorist guise and spending limits associated with tax cuts for the rich.

Funding for the even larger sea of nonfederal policing needs will be more severely stressed, especially as state and local budgets get extended to their limits. While New York and other major cities are reeling with fiscal problems and growing unemployment, Washington is adding jobs, funded in part by its disproportionate share of the Congressional appropriation (Hsu). The imbalance in spending may be justifiable due to the seriousness of terrorist acts, but the responsibility for local crimes is borne almost exclusively by police departments, not federal law enforcement officials, and local police operations have been severely disrupted by the new demands of terrorism. They must train for it and coordinate with federal law enforcement officials in doing it. They must allocate billions of dollars in resources to investigate suspected terrorists and suspicious acts, and work to prevent the occurrence of terrorism in highly populated areas and against an array of targets that includes airports, tunnels and bridges, major athletic venues, shopping malls and skyscrapers, reservoirs, farmland and nuclear facilities. Some of these targets are protected by private security agents and federal authorities, but the local police

and in Washington and other urban centers spiked soon after the attack as cops were taken off of the streets to protect against terrorism. The rates have subsided in New York for the time being, but they are up from last year in Washington. The demand for police services was already growing in most jurisdictions anyway because of changing demographics and rising unemployment.

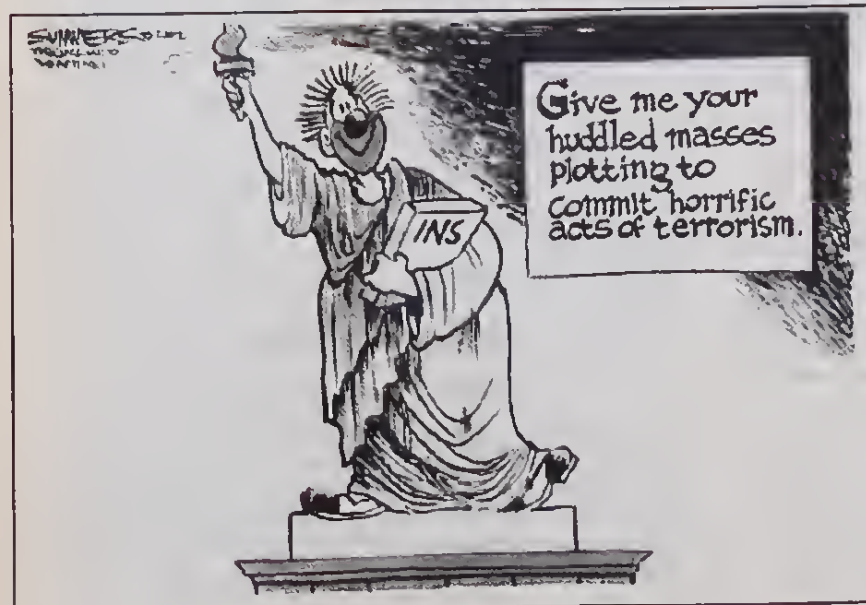
Sworn officers cannot do it all. Private interventions rise naturally to satisfy new demands for security. Public needs can be similarly satisfied through the use of para-police. In spite of the new demands of terrorism on top of the old ones, a mammoth amount of policing remains humdrum. We ought to be able to find ways of doing much of it more effectively and efficiently through technology and the use of civilians. Creative new substitutions could not only relieve the police from these awesome burdens, but could also put into productive service resources that have been idled through the troubling combination of already lagging economic conditions and the shock to the economy of the attacks of Sept. 11. Two birds, one stone.

Realignment of Responsibilities

One of the most complex and significant aspects of the attacks is that the victims were also war casualties. This is an extreme case of the problem of dual jurisdiction and authority, one that makes the sorting out of responsibilities for our quaint War on Drugs fairly innocuous by comparison. It is certain to have profound implications for the role of police and a reshaping of the rules of federalism. It is likely in particular to bring a reordering of the respective responsibilities of the police, federal law enforcement officials and the military.

The United States has been extraordinary for the chasm that separates the police and the military. Traditionally and constitutionally, the military deals with national security, the police with crime and order, and federal law enforcement agencies have operated in a discretionary netherworld between war and crime. In many countries, police are trained first as military officers. Police officials from other countries are invariably dumbstruck to learn that we have in the U.S. some 20,000 independent police departments, with none reporting to the President. This anomaly is a product of the unique vision of our founding fathers, but in large part it stems as well from the virtual absence of war on our soil. Our insular geography once afforded us the luxury of being able to build a firewall between domestic order and national security. Through much of the 20th century, the intercontinental ballistic missile was regarded as the primary threat to our secu-

(Brian Forst is Professor of Justice, Law and Society at the American University School of Public Affairs in Washington, D.C. Forst, who was previously the research director for the Institute for Law and Social Research (1974-85) and for the Police Foundation (1985-89), is the co-author (with Peter Manning) of "The Privatization of Policing: Two Views," published in 1999 by the Georgetown University Press. The author wishes to thank Jim Wilson, Jim Fyfe, Dick Bennett and Jerry Skolnick for their thoughtful comments on an earlier version of this article, and assumes full responsibility for any deficiencies that may remain.)



Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.

Florida cops to take on immigration role

Continued from Page 1

kill us," he told The New York Times.

"We're involved in a war on terrorism and where there's a reason to look closer at particular individuals that might be involved in that activity, that's something we have a role in," said

Rothlein. Still, he said, local police need to move slowly until they know where they are going to fit in.

"Things that were understood to be federal issues that agencies like INS, the Border Patrol and Customs deal regularly with, this is new ground for

us....," said Rothlein. "We want to do our part, and play a role, but we also don't want to destroy the trust we've built up over the years."

Federal officials said the partnership between Florida the state and the Justice Department is meant to bolster the resources of the thinly-stretched INS, not intimidate the local immigrant community. With most of INS's agents now concentrated at the nation's borders, there are just 1,947 agents available for internal enforcement.

Last month, police outside of Tallahassee stopped a U-Haul found to have 26 men and women inside who did not speak English or prove they were in the country legally. Authorities called the INS, but agents failed to show up. Police were forced to send the U-Haul on its way.

The INS has six offices in Florida with a total of 1,500 employees. If local police suspect someone is in the country illegally, they must call an INS center in Vermont. It can take as long as 30 minutes for a call back, and they are sometimes told agents are not available.

Russ Bergeron, an INS spokesman in Washington, told The St. Petersburg Times that the agency assesses each call on the availability of resources, where

agents are located and whether the suspects have criminal backgrounds. "There are times when we don't have the resources," he said.

The INS became the butt of public ridicule, and the target of an angry President Bush, when, six months after the Sept. 11 attacks, the agency sent approvals for student visas to Huffman Aviation, the Venice, Fla., flight school where two of the hijackers were trained. Both men had been approved for student visas several weeks before committing the act that left nearly 3,000 people dead in New York City.

The blunder prompted Bush to order an inquiry into why the visas were routinely processed, even though it was

known by then that Mohamed Atta and Marwan Al-Shehhi were two of the Sept. 11 terrorists. Bush said he was "stunned and not happy" about what had occurred, and said the incident should serve as a "wake-up call for those who run the INS."

According to INS officials, the letters should have been stopped once it was known that the men were the suicide hijackers. While letters were sent to Atta and Al-Shehhi at addresses in Florida, copies of the student visa papers are not issued until the agency updates its computer records. Records indicate that Atta was approved for a student visa on July 17, 2001, and Al-Shehhi on Aug. 9, 2001.

Forum: Policing in the terrorism era

Continued from Page 13

suspected targets of terrorism (Morain et al.). Information sharing involves legal barriers as well. It can complicate sensitive grand jury proceedings and involve classified information.

Federalization of Local Policing?

The answers to the tough questions will not come easily. To begin with, terrorism is not just about threats from radical Islamic fundamentalists. The United States has revealed itself to be perfectly capable of growing its own "evil ones": Theodore Kaczinski, Timothy McVeigh and apparently, the anthrax guy. American citizens do not have to worry about having to confront the relaxed evidentiary standards of a military tribunal. They will be afforded all of the protections of the Constitution, although it is more than a little ironic that defendants found guilty in a tribunal in Europe or following extradition from a country that opposes the death penalty could be protected against the punishment given to McVeigh.

We can begin to sort out the complexities by reflecting on the comparative strengths of federal and local law enforcement, the private sector, and informal interventions to prevent acts of terrorism. In general, the management of war efforts is most effectively and efficiently left to the federal government, and the management of domestic crime is most effectively and efficiently left to various mixes of local criminal justice systems and informal social control and private sector initiatives. The federal government is needed to ensure that reliable information about suspects flows fluidly from jurisdiction to jurisdiction as required, and to distribute domestic security resources to local public agencies that have insufficient capacities to raise the requisite funding. There will be quibbles at the margins to determine who is primarily responsible for foot-ing the bill and who has authority to act, but the urgency of the problem dictates that the politics and egos that make mountains out of these molehills in more secure times be buried.

The more serious and less easily resolvable debates will be over the tension between the preservation and protection of civil liberty and the need for protection not only of our security but of freedom and democracy in the world. Federal appellate Judge Richard A. Posner has pointed out that the prob-

lem of finding the proper balance is more art than science: "The law is a human creation rather than a divine gift, a tool of government rather than a mandarin mystery. It is an instrument for promoting social welfare, and as the conditions essential to that welfare change, so must it change." The challenge is to find a way of protecting what we hold most dear without destroying it in the process.

Of this we can be certain: Policing will become increasingly federalized to the extent that terrorist events, spawned either by foreigners or by our own citizens, increase in number or gravity. Federalization is not likely to occur by way of a constitutional amendment, but through a shift from spending on local police to spending on the federal law enforcement establishment and requirements for local police to support federal efforts, sometimes as the string attached to financial aid from Washington. In the meantime, our success in preventing such attacks will depend heavily on the ability of law enforcement agencies at all levels to cooperate effectively with one another. If we succeed, we may once again enjoy the divisions between local police and federal security interests that have served us reasonably well for over 200 years.

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Headlines are not enough

Affirmative-action programs looking a little black & blue

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COPS & flops:

Who (or what) drives the crime-policy bus?

Crime & Politics: Big Government's Erratic Campaign for Law and Order.

By Ted Gest.

New York: Oxford University Press, 2001.
304 pp., \$30.00.

By Elizabeth Bartels

The Office of Community-Oriented Policing Services — better known as the COPS program — was probably the least controversial component of the Clinton administration's 1994 anti-crime legislation, but would any policy analyst worth his Ph.D. believe that the number of police funded for the program — 100,000 — resulted from an informal discussion among Clinton staffers during the 1992 presidential campaign? Or that a timely memo to Janet Reno from a police officer turned novice White House Fellow turned the Attorney General into a much-needed COPS supporter instead of its ardent antagonist?

The COPS program is only one of many federal crime policy decisions of the last half-century that Ted Gest details and analyzes in "Crime & Politics: Big Government's Erratic Campaign for Law and Order." Gest, a seasoned Washington insider and currently a Senior Fellow at the Jerry Lee Center

of Criminology at the University of Pennsylvania, spent 23 years as a writer and editor at U.S. News & World Report. This experience serves him well as he recounts the history of anti-crime legislation in this informative, "behind the scenes" glimpse into criminal justice policy making.

Gest's analysis begins with a discussion of the Johnson administration, which was credited with having defined the "federalism" of local crime control policy over the "next 30 years and beyond." Partisan deal-making, political lobbyists, media sensationalism and "get tough" public opinion are the major influences illustrating Gest's analysis of crime politics. The author's political timeline commences with the controversy surrounding the passage of the 1968 Crime Control Act and its creation of the politically doomed Law Enforcement Assistance Administration. His discussion of LEAA includes a host of details of political compromise, scandal and public debate over

CRIME & POLITICS

Big Government's Erratic Campaign for Law and Order



TED GEST

proper law enforcement spending practices. These issues serve as a jumping-off point for Gest's discussion of the underlying rationales behind many of our crime policy decisions during the remainder of the century.

The three major criminal justice policy areas of juvenile offender, drug law and gun law measures are accorded separate chapters for analysis by Gest. He includes details of the myriad political deal-making strategies that influence the real-life policy decisions in each of these areas, including community policing, mandatory sentencing laws, gun control and the NRA, sensational crimes and the media, and the effect of public opinion on politicians (always fun to read about).

All of these areas play a part in Gest's fascinating account of the intricacies of Washington power structures, as he traces the workings of administrations from Johnson through Bush (the Younger). He probes each President's relationship with Congress, the

press and Washington lobbyists. Gest's final chapter, Smarter Ways to Fight Crime, brings the work full circle with an outline of his personal recommendation of how Americans

might best tackle crime. He details a cohesive community-based effort to eradicate crime and upgrade the quality of our criminal justice system. However, Gest does not realize the bind he put himself in, because his recommendations, although they are thought-provoking and sound, would have to go through the same legislative process he has just spent 300 pages criticizing.

This book is one that anyone interested in the legislative process of crime should read. I have a few minor quibbles on Gest's use of facts, such as mistaking as the real thing a Texas training video on the handling of unruly inmates. Also, some of Gest's sources are inadequately cited. However, these drawbacks don't detract from the value of this rich journalistic account.

Overall, Gest's history of the politics inherent in American crime policy brings to light the complex social consequences of such decisions. In "Crime & Politics," Gest makes clear that crime legislation is anything but politics as usual.

(Elizabeth C. Bartels is a doctoral student in criminal justice at the City University of New York Graduate Center. She also teaches criminal justice at Kean University in Union, N.J., and John Jay College of Criminal Justice.)

Murder mystery:

The riddle of the 1990's crime decline

The Crime Drop in America.

(Cambridge Studies in Criminology)

Alfred Blumstein and Joel Wallman, eds.

Cambridge, U.K.: Cambridge University Press, 2000.
330 pp., \$21.00 (pb)

By Chet Epperson

For much of the past few years, it seems, scarcely a day has gone by without a mention of the crime drop, either on television or in print. The news media have reported the decline in violent crime, but have been limited in their ability to articulate the underlying reasons for the decrease. Some politicians and police chiefs are given to claiming that the drop in their city is attributable to certain programs of their initiative. Although the crime rates of many American cities have dropped significantly (often amid claims by some observers that "the party is nearly over"), any assertion that one specific program or factor has produced the reduction is a curious, even injudicious position to take.

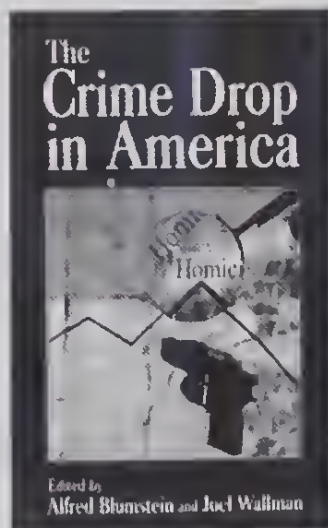
In the search for viable explanations, no single piece of past or current scholarly work comes close to "Crime Drop in America," edited by Alfred Blumstein and Joel Wallman and brimming with chapters written by scholars with expertise in areas such as gun control, incarceration, drug markets, economics, demographics and policing, who provide excellent qualitative and quantitative reasons for the crime drop.

Initially, Blumstein and Wallman make a point quite clear — there is no

one factor that caused the prolonged decline in crime. Rather, several elements have contributed to the reduction, such as the decline of drug markets, reduction in gun carrying and the growth of the economy.

The opening by Blumstein is done well, as he discusses the rise and fall of crime and the things this country should do to minimize the likelihood of a repeat climb. The book then shifts to one of the most controversial national crime-policy issues — gun control. This well written chapter provides a snapshot of how guns and gun violence have affected our country. The statistical information is startling and the chapter is essential reading for anyone wishing to understand the cost of illegal gun use — from death to medical costs. The chapter concludes with a mention of gun-exchange programs, which are dismissed as inefficient. Exchange programs, the writer notes, yield less than 2 percent of the firearms estimated to be in a given community.

The chapter on policing is well done and covers a wide spectrum of information. Most importantly, the contributors claim to be unaware of a single empirical study to date that supports the claim that increases in the number of police officers are responsible for re-



cent decreases in violent crime. The contributors further assert there are no accepted definitions of community policing. Over the past 10 years, some form of community policing has been implemented in most cities, but there is surprisingly little evidence about its effect on violent crime. Rather, with community policing there must be a change in the police organization: organizational structure, organizational culture, and managerial and leadership styles. Most police leaders are unwilling to make these organizational changes, thus leaving community policing less than fully interwoven into the fabric of police departments. The contributors suggest that it is possible that focused police attention on small areas with very high crime numbers has contributed to the overall reduction in

violent crime. These police actions may have interacted with other criminal justice policies, such as incarceration, demographics and drug-market issues to affect the decline in violent crime.

Overall, "The Crime Drop in America" is well done and a must read for those desiring a greater understanding of the various criminal justice components and public policy issues. From the beginning, Blumstein and Wallman stress there is no single program or initiative that can take credit for the reduction of crime. Throughout the book, most contributors will allude to this

premise. The contributors do a solid job of explaining their positions and illustrating them with charts, graphs and examples. Finally, the contributors provided excellent suggestions on initiatives, that could prevent the future rise of violent crime.

(Chet Epperson is the patrol administrative sergeant for the Rockford, Ill., Police Department. A 19-year veteran of policing, Epperson holds bachelor's and master's degrees from Rockford College. He can be reached via e-mail at cepperson@corad.net.)

True Blue

"True Blue (Police Stories by Those Who Have Lived Them)" is a forthcoming compilation of true stories written by members of the law enforcement profession about life on the job: anecdotes, vignettes, heartwarming tales, tragic narratives, humorous accounts. In short, it will be a bucket brigade of stories that won't be easy to forget. These will be real-life revelations of what it means to wear a badge, sometimes good, sometimes bad.

"True Blue" is a personal tribute to those law enforcement officers killed in the line of duty on Sept. 11. As all profits and proceeds will go to the families of officers who lost their lives that day, "True Blue" will be way of sharing common experiences while extending a hand of condolence to the loved ones of those who have fallen.

You can be a part of this very special project. "True Blue," conceived and coordinated by Randy Sutton, a Nevada police sergeant, is seeking stories from active, former and retired law enforcement officers that tell of an event, a moment, a call that was significant in the contributor's life and career — humorous or poignant, light or tragic. They can range from single-page anecdotes to upwards of 4,000 words.

Mail submissions to: Sgt. Randy Sutton, PMB 19-735, 2250 E. Tropicana Ave., Las Vegas, NV 89119. E-mail: truebluestories@yahoo.com. For more information, visit our Web site: www.truebluestories.com.

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Mark of distinction

After a long and successful career with the LAPD, Police Chief Mark Kroeker puts his stamp on the Portland, Ore., Police Bureau, and tells LEN why he's not afraid to "kick up a little dust."

Interview, Page 9.



The tides of 'prints

After previously giving law enforcement a scare, a judge has a change of heart and decides fingerprint evidence makes the grade for admissibility after all.

Story, Page 1.



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What They Are Saying:

"In short, I have changed my mind."

— Judge Louis H. Pollak of the U.S. District Court in Philadelphia, in his ruling reversing his own earlier decision that sharply curbed the use of fingerprint evidence for failing to meet standards of scientific rigor. (Story, Page 1.)